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LVIII

PROCEEDINGS AND ACTS

OF THE

GENERAL ASSEMBLY OF MARYLAND

1762-1763

(27)

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LETTER OF TRANSMITTAL

Baltimore, December 1, 1941

To the Maryland Historical Society

GENTLEMEN:

The Maryland Historical Society is entrusted by the State with the publication of the *Archives of Maryland.* The Committee on Publications now presents to the Society Volume LVIII of the *Archives,* the *Proceedings and Acts of the General Assembly of Maryland, 1762-1763,* which is the twenty-seventh volume that has been published dealing with Assembly affairs. In this volume are printed the journals of the Upper House, the journals of the Lower House, the laws enacted in the years 1762 and 1763, and various contemporary papers pertaining to Assembly affairs to be found in the Appendix.

The Assembly, which was elected in the autumn of 1761, held only two sessions, one in 1762 and one in 1763. A new Assembly was elected in the autumn of 1764. Much to the indignation of the people, however, no meeting of the Assembly was called by Governor Sharpe between November, 1763, and September, 1765, as it was in this interval that the obnoxious Stamp Act was passed, and thus no opportunity was given by Sharpe to the Lower House to voice its protests.

The two sessions whose proceedings and acts are recorded in this volume were devoted largely to the consideration of various controversial questions, and the messages exchanged between the Governor and the Upper House on the one hand and the Lower House on the other became increasingly informative, acrimonious, and lengthy. Most of the legislation passed at these two sessions were continuances of old general laws about to expire by time limitation, local laws, and private acts. The only act of great importance to all classes was the Tobacco Inspection Act, passed in 1763. This law not only regulated the raising, storing and marketing of tobacco, which was the staple and the currency of the Province, but fixed in terms of tobacco the fees which might be charged by all public officials, and the rates at which various European gold and silver coins might circulate in Maryland in relation to the value of tobacco.

Most of the controversies between the two houses involved the relations of the Lord Proprietary and the people. Baltimore, really interested only in the revenue which he could draw from his Province, looked upon every political demand by the Lower House merely as an attack upon his prerogative and thus upon his pocketbook. Governor Horatio Sharpe, who was an excellent administrator and personally popular, was of course obliged to act according to the definite instructions of his master, instructions which were most specific, and usually transmitted to him through Cecilius Calvert, Secretary of the Proprietary in London, who was in part responsible for the shortsighted attitude of his nephew the Lord Proprietary, Frederick, Sixth Lord Baltimore. It was the growing hostility of the people to this absentee landlord and mercenary overlord, combined with the passage of the Stamp Act, that did much to prepare the way for the Revolution.

The larger background upon which happenings in Maryland at this period were projected, embraced the events of the last two years of the Seven Years War and the conclusion of the peace between Great Britain and France. The treaty of Paris was signed on February 15, 1763, but news of this did not officially reach Maryland until some five months later, when on July 26, peace was proclaimed by Governor Sharpe and a day of public thanksgiving appointed. But as a matter of fact with the capture of Quebec by Wolfe in 1759 the war in America had virtually come to an end, and relieved of the fear of actual invasion, the Maryland Assembly had on various pretexts refused to make any provision for defense. Immediately following the conclusion of the peace, the northern Indians under the leadership of Pontiac, made a final attempt to throw off the yoke of the whites, and war parties harassed the English settlements, their depredations extending southward along the frontiers of the central colonies. Again the western settlements of Maryland were in a state of alarm, although these Indian attacks proved to be shortlived and the actual damage done was small. It is to the disgrace of both political factions in Maryland, that when the threat to the frontier seemed serious, neither, as this record shows, would even temporarily bury their political differences and make provision for a defense of the settlements.

In Maryland affairs this 1762-1763 period marks the end of the bitter five year struggle between the Upper and Lower houses over the passage of a Supply bill for His Majesty's Service, or the Assessment bill, as it was generally called. This bill, which with various unessential changes, such as the amounts appropriated and the rates of taxation, beginning with the September–December, 1757, session, had been passed by the Lower House at eight successive sessions, to be as often rejected in the upper chamber. It was now again passed for the ninth time at the March–April, 1762, session, the first meeting of the new Assembly that had been elected in 1761. But after its ninth rejection in the upper chamber it was never again to be brought forward by the popular or country party in the Lower House. This abandonment of the Supply bill was in part due to the fact that the ending of the war had lessened the immediate pressure for funds to support a Provincial military force, and in part because the anti-Proprietary majority in the Lower House had dwindled to such a small margin that the popular leaders were fearful that the defeat of the bill in the lower chamber would be a severe blow to their prestige. These attempts by the Lower House over a period of five years to introduce a system of taxation new to the English-speaking world, an income tax levied upon the salaries or earnings of the larger office-holders and of the professional and mercantile classes and upon incomes derived from personal property, as well as taxes levied upon all land holdings, had been put forward and pressed by the popular party in the Lower House largely as a political measure. It was directed primarily against the Lord Proprietary himself as the largest landholder, and against the larger office-holders, with no real expectation, and even less wish, that it become a law, as too many of the members of the Lower House were themselves extensive landholders with large incomes, who would have been heavily taxed by its provisions. As an attack upon the prerogative of the Lord Proprietary it had more popular support than as a tax bill.

Other measures of a controversial character, which had been before recent assemblies, however, came up again at these two sessions, and still further increased the ill feeling between the Lower House on one hand and the Governor and Upper House as representing the Proprietary interest, on the other. Among these were bills to provide a support for a Provincial Agent in London to represent the people before the Crown, a perennial measure destined to successive rejections in the Upper House although warmly espoused by a great majority of all classes in the Province; the establishment of a college in Annapolis; the adoption of the Journal of Accounts to meet the ordinary Provincial expenses which included sundry items in controversy; and various other bills passed by the Lower House and rejected in the upper chamber appropriating for public purposes monies derived from licenses and fines claimed by the Proprietary. The most bitter contest involved the use of licenses from ordinaries or public houses. For nearly three-quarters of a century the disposition of the license money from ordinaries had been in dispute, the Proprietary claiming it under his prerogative, and the Lower House as the right of the public. It was not until 1766 that the Proprietary finally gave up his claim to it. The dispute as to the use of this license money, although the amount involved was never large, estimated at £600 annually in 1763, determined the attitude of the two houses towards much proposed legislation of importance. The Lower House also continued to assert its claim to the powers of the House of Commons in England. For a proper understanding of these and other Assembly controversies of the period they must be studied in connection with the light thrown upon them by such contemporary records as the *Correspondence of Governor Horatio Sharpe* (*Arch. Md.*, XXV), the *Proceedings of the Council* (*ibid,* XXXII), and the weekly issues of the *Maryland Gazette* of Annapolis.

In the introduction will be found summarized the various matters which came before the sessions of the Assembly held in 1762 and in 1763. There will also be discussed in detail under their several headings, the more important questions, most of them controversial, that took up much of the time of these two sessions. These are: (1) Supply or Assessment bill, (2) Provincial Agent in Great Britain, (3) Address of the Lower House to the King, (4) Parishes, churches, and chapels, (5) Schools, (6) Establishment of a College, (7) Tobacco Inspection Law, (8) Loan Office, (9) Journal of Accounts, (10) Roman Catholics, (11) Licenses from Ordinaries, (12) Arms and Ammunition, (13) Indian Affairs, (14) Jonas Green, the Public Printer. There will also be found in the introduction a note on the (15) source material from which the contents of this volume have been taken. In the Appendix will be found printed the Supply or Assessment bill rejected in the Upper House at the 1762 Session, and many contemporary petitions and papers relating to Assembly affairs. As in the preceding volumes, where messages and addresses are recorded in the journals of both houses, if lengthy they are printed in full only in the proceedings of the house in which they had their origin; if short they are printed in the proceedings of both houses.

The comprehensive index has been made for the Committee on Publications by Dr. Elizabeth Merritt. Mrs. Vivian E. Barnes of the staff of the Maryland Historical Society has been of great assistance in helping to prepare this volume of the *Archives* for the press and in locating the material to be found in the Appendix.

The next volume of the *Archives* will be the *Proceedings and Acts of the Assembly,* 1764-1765.

Respectfully submitted,
KENT ROBERTS GREENFIELD,
J. HALL PLEASANTS (*editor*),
RAPHAEL SEMMES,
Committee on Publications.

INTRODUCTION

The continuing struggle, which gained momentum with the passage of years, between the Proprietary interest, as represented by the Governor and the Upper House, and the people, as represented by the Lower House, is well brought out by the journals of the two houses for this 1762-1763 period. Summaries of legislative events which transpired at the 1762 and 1763 sessions, will be followed in this introduction by discussions by the editor, under their several headings, of the more important questions, controversial or notable for other reasons, which have already been referred to in the Letter of Transmittal, matters which either gave rise to legislation, or served merely to increase the already existing tension between the two houses. Messages between the two houses, or between Governor Sharpe and the Lower House, bring into clear relief the irreconcilable conflict between the interests of the people and those of the Lord Proprietary.

SESSION OF MARCH–APRIL 1762

The Assembly which had been elected in the early autumn of 1758, after six fruitless meetings held in the years 1758, 1759, 1760, and 1761, was prorogued on May 6, 1761, to meet again on October 3 of that year. But this session was never held, and the Governor, disgusted with what he called "the obstinate behavior" of the Lower House, decided to take his chances once more with the electorate in the hope of securing a less antagonistic house, and issued writs for a new election of delegates. This election took place in October and November, 1761, and the Assembly was called to meet on November 17. For reasons not revealed, however, it was prorogued until April 19, 1762 (*Arch. Md.* XXXII; 17). But letters from the Earl of Egremont, the King's Principal Secretary, and from General Amherst made an earlier meeting necessary, and the Governor on February 25, 1762, issued his proclamation that it meet on March 15, 1762 (*Md. Gazette,* Feb. 25, 1762). Probably because there was an inadequate number of delegates present, the Assembly did not actually meet, however, until March 17. Subsequent events show that the anti-Proprietary delegates, which composed the popular or country party had a somewhat smaller majority than in the last house, but still had an actual majority, and many of the same uncompromising leaders were in control. Figures published in the *Maryland Gazette* show that of the fifty-eight delegates composing the Lower House, thirty-five had been members of the last Assembly, eight had been members of previous assemblies but not of the last Assembly, and fifteen were new members.

The members of the Governor's Council, who also composed the Upper House of Assembly, were eleven in number at the time of the March–April, 1762, session. These were Benjamin Tasker, Sr. (1690-1768) of Annapolis, who had been a member of the Council since 1722 and its President since 1727:

Samuel Chamberlaine (1697-1773) of Talbot, since 1740 a member of the Council; Colonel Edward Lloyd (1711-1770) of "Wye", Queen Anne's, a member since 1743; Benedict Calvert (1724-1788) of "Mount Airy", Prince George's County, the natural son of Charles Calvert, Fifth Lord Baltimore, appointed in 1748; Richard Lee (1706-1787) of Prince George's, a member since 1745; Stephen Bordley (1709-1764), the Attorney-General, of Annapolis, on the Council since 1759; Daniel Dulany, the Younger (1722-1797) of Annapolis and Frederick County, appointed in 1757; Charles Hammond (1692-1772) of Anne Arundel, later President of the Council, and Robert Jenckins Henry (c.1712-1766) of Somerset, on the Council respectively since 1735 and 1756, were both too ill to attend any of the meetings of the Upper House at this session (*Arch. Md.* XIV; 56). Philip Thomas (1692-1762), appointed in 1742, died November 23, 1762; he had been too ill to sit in the Upper House in the 1762 Assembly. Charles Goldsborough, although secretly appointed early in 1762, did not qualify and take his seat on the Council until after the close of the 1762 session of the Assembly (*Arch. Md.* XIV; 55). John Ridout (1731-1797), who had come to Maryland with Governor Sharpe as his secretary, was appointed in 1760. Philip Key (1696-1764) of St. Mary's County, who received his appointment on the Council in the summer of 1763, died August 20, 1764, so only served as a member of the 1763 Assembly. There was on no occasion anything like a full attendance of the members of the Upper House.

Certain important leaders of the popular party were missing in the new Lower House. There are few available contemporary records to show whether or not those missing had stood for election, or had entered the list as candidates and had fared badly in the poll. With one exception these leaders had previously represented counties which were strongly anti-Proprietary and had been succeeded by delegates of the same political faith. Missing in the Lower House were Charles Carroll, the "Barrister", of Anne Arundel County, and Matthew Tilghman, of Talbot, who had been chosen at a special election held in 1760 to represent Queen Anne's County.

One of the few new popular party delegates who at once assumed leadership was James Tilghman of Talbot; a few years later he moved to Philadelphia and became a man of much importance there. The old popular leaders who had been returned were again in full control. These were Edward Tilghman, of Queen Anne's; William Murdock, of Prince George's; Robert Lloyd, of Queen Anne's; Thomas Ringgold of Kent; William Smallwood and John Hanson of Charles; and John Hammond Dorsey of Baltimore.

The Proprietary party in the house had as its leaders: Walter Dulany and Dr. George Steuart, both of Annapolis; Charles Goldsborough of Dorchester, whose appointment as a member of the Council was suppressed by the Governor until after the close of the session, as he was felt to be more useful for the time being in the Lower House than in the upper chamber; George Plater of St. Mary's and Edmund Key of the same county, the latter in London during the year 1762 where he was reading law in the Middle and Inner Temple, but back in Maryland in the spring of 1763; and Henry Greenfield Sothoron, also of St. Mary's; the two Mackalls from Calvert; and Thomas Johnson, Jr. of Anne Arundel County, later to be an active supporter of the Revolutionary movement and the first Revolutionary governor of Maryland. Simon Wilmer, a new member from Kent, did not take his seat until towards the close of the 1762 session, when he voted consistently with the Proprietary party. Edward Gantt of Calvert and Daniel Sullivan of Dorchester are to be found first on one side and then on the other of the political fence.

While it might be expected that the anti-Proprietary leaders of this period would later be prominent as popular partisans in the events leading up to the Revolution, and that the Proprietary leaders would then exhibit strong Loyalist tendencies, this was true only to a limited extent. Thus Johnson, Plater, Goldsborough, and Smallwood, who affiliated with the Proprietary party at this time, were in the next decade active in the Revolutionary movement, while James Tilghman, active among the anti-Proprietary group, was later a Loyalist in his sympathies.

The membership of the Lower House consisted of fifty-eight delegates, four from each of the fourteen counties and two from the city of Annapolis. There was never a full attendance in the Lower House, the average voting attendance being in the lower forties, and at no time does the record vote show more than fifty-three present and voting (pp. 112, 113). Sharpe declared in a letter to Cecilius Calvert, that had there been a full attendance of delegates, the Assessment or Supply bill would not have passed the Lower House (*Arch. Md.* XXV; 52). The Proprietary party delegates who had not served in the preceding Assembly were Corbin Lee of Baltimore County, a large landholder, descended from the distinguished Lee family of Virginia; William Allen and Peter Chaille of Worcester; Joseph Cox Gray of Dorchester; William Hayward, John Adams, and William Adams of Somerset; James Hollyday and Thomas Wright of Queen Anne's; and Simon Wilmer of Kent. The new delegates in the Lower House who affiliated with the popular or country party, were: Mordecai Jacobs and Francis Waring of Prince George's; James Tilghman of Talbot; Richard Lloyd of Kent; William Ward of Cecil; and Thomas Beatty of Frederick.

Analysis of the election returns shows that St. Mary's, Calvert, Worcester, Somerset, each with four delegates, and the City of Annapolis with two delegates sent solid delegations affiliated with the Proprietary party. Of the four delegates from Dorchester, three, Joseph Cox Gray, Charles Goldsborough, and usually Daniel Sullivan, voted with the Proprietary group, and Henry Hooper of that county, the Speaker, was doubtless in full sympathy with his colleagues, although there was no division in the house necessitating a deciding vote from him which openly disclosed his affiliation.

Governor Sharpe, writing to Cecilius Calvert, the Proprietary's Secretary in London, soon after the March–April, 1762, session had adjourned, called the latter's attention to the closeness of the party vote on the Assessment or Supply bill, and declared that "the People are so much divided about it that by the same County are returned some Members who adhere to it & others who strenuously oppose it, while some Counties have in a manner instructed their Members to vote against it" (*Arch. Md.* XIV; 52-53). The counties in which the delegates divided on crucial political questions were Baltimore, Kent, Queen Anne's and Calvert counties.

The Committee on Elections and Privileges reported to the Lower House on May 18, the names of the delegates which the writs of election showed had been chosen (pp. 78-79). One of these Francis Mauldin, had died since his election in November 1761, and the House ordered the Speaker to have the Deputy-Secretary of the Province issue a writ to the Sheriff of Cecil for a special election to fill his place (p. 74). The house journal does not show that anyone served in Mauldin's place at this session, but the *Maryland Gazette* for April 22, 1762, discloses that at a special election held "last week" Nathan Baker was elected from Cecil County. Baker was not sworn in, however, as a delegate until October 4, 1763, the opening day of the next session (p. 292). The Committee on Elections and Privileges in a report to the house begged leave to observe that there were trivial discrepancies in the wording of the writs of election for Charles and Frederick counties, but that the "variancies we take to be Omissions of the Clerk in making out the said Writs", so the status of the delegates from these counties was duly established (p. 79). On March 26, a petition from sundry freeholders and other voters of Calvert County was "preferred" to the house "of an undue election" by Young Parran, who was obviously a contestant for a seat. The Sheriff of Calvert County was ordered to stand at the bar of the house on March 31, to answer the complaints contained in the petition, and the complainants were directed to deliver in writing to those charged with undue practices, the particular facts they would bring forward at the hearing. The record does not disclose the nature of the charges, nor if the election of one or all of the four delegates from Calvert, viz: Graham, Gantt, and the two Mackalls, was questioned; but when the matter came before the house, and received a further hearing, it was promptly dismissed and costs assessed against the complainants (pp. 97, 101, 102).

The 1762 Assembly proceeded to organize in the usual manner. Representatives of the Lower House announced to the Governor on March 17 that there was a sufficient number of delegates present to compose a new house. The usual ritual observed at the opening of a new Assembly was followed. Two members of the Upper House, Benedict Calvert and John Ridout, accompanied by John Ross, the Clerk of the Council and of the Upper House, appeared in the Lower House where the delegates qualified by taking the several oaths to the Government, subscribing to the oath of abjuration and repeating and signing the test. The delegates then went in a body to the Upper House, where the Governor requested them to return to their own house and choose a Speaker. They thereupon returned and unanimously elected Colonel Henry Hooper of Dorchester County, who had previously served in this capacity, and placed him in the chair. Two members notified the Governor of the choice, who then required the delegates to return to the Upper House and present their Speaker (p. 69). The Governor declared he was well pleased with their choice, and then made a speech to both houses, the purport of which will be referred to later (pp. xviii, 3-5).

After returning to the lower chamber the delegates chose John Allen Thomas of Talbot County as Clerk of the House, who, after the Governor had approved his selection, was escorted to the Upper House where he qualified as Clerk by taking the same oaths as the delegates had taken and a special oath of office (p. 70). Captain Robert Saunders was chosen Sergeant-at-Arms, and Andrew Buchanan, the Annapolis inn-keeper, was chosen Doorkeeper of the House. Richard Tilghman, Jr. and Richard Tilghman, III, were selected as clerks of Lower House committees. Dr. George Steuart of the Lower House then administered to them all the several oaths mentioned above and also the respective oaths of their several offices (pp. 70-71). A day or two later William Wilkins was also appointed one of the clerks of committees (p. 79).

Rules of order and procedure identical with those that had been used at preceding sessions were adopted (pp. 71-72), and the hours of sitting were decided upon (p. 74). The "Reverend Mr. Cain" [Samuel Keene], who officiated as curate of St. Anne's Annapolis, was selected to read prayers at the opening and closing of the daily sessions (p. 74). He had acted in the same capacity at the April–May, 1761, session.

The house then unanimously adopted a series of resolves, that were identical with similar resolves embodying the attitude of the Lower House on sundry political questions in controversy, which had been adopted at previous sessions for many years. These resolves seem to have the character of a Bill of Rights for the people and of a Declaration of Independence against Proprietary aggressions. In these resolves vigilance was urged upon the Committee of Grievances and Courts of Justice of the house to see to it that no changes be made in the form of the oaths of office taken by judges which would lessen their obligations to hear and determine all cases according to the laws of England and of the Province of Maryland, nor were they to be influenced in any way in their judgments by directions or orders from King or Lord Proprietary. The resolves further affirmed the rights of the inhabitants as free citizens of a free English colony (and not as inhabitants of a conquered country) to enjoy and have the benefit of all English laws and liberties. The resolves also declared that the collection by the Proprietary of an export duty of twelve pence on every hogshead of tobacco sent out of the Province was not warranted by law under the Act of 1704 as asserted by the Proprietary, but that even if that Act were held to be valid, three pence of the twelve pence should go towards the defense of the Province, and not, like the remainder of that duty, into the pocket of the Proprietary (pp. 72-74). These resolves have been more fully discussed in the preceding volume of the *Archives* (LVI; xv-xvi).

The house then proceeded to appoint the members of various standing committees. Those first mentioned apparently acted as chairmen and were in most cases leaders of the anti-Proprietary majority in the house. The appointment of committees was apparently made by the house itself and not by the Speaker. The standing committees of the Lower House were: (1) Committee of Elections and Privileges, (2) Committee of Accounts, (3) Committee of Grievances and Courts of Justice (4) Committee to enquire into the state and condition of Arms and Ammunition, (5) Committee to inspect the accounts and proceedings of the commissioners or trustees for emitting bills of credit (Loan Office), (6) Committee to inspect the several Public Offices. Special committees were appointed as the occasion required.

In his speech to the two houses with which Sharpe opened the session, he declared that he had called the Assembly together in obedience to the King's command as expressed through the Earl of Egremont, one of the Principal Secretaries of State, and as the result of a letter received from General Amherst, the Commander-in-Chief of His Majesty's forces in America, in order that the Assembly might, in compliance with the King's orders, raise a sufficient number of Maryland troops for defense, so that His Majesty's regular troops might be freed for use on an important expedition. Sharpe in pursuance of the promises contained in these letters declared that the King would supply the Provincial troops with arms, tents, and provisions, but that the Province would be expected to pay and clothe the men, although the Earl of Egremont had promised that Parliament would be asked to reimburse the Province for these expenditures. Egremont's letter, dated December 12, 1761, was a circular letter, directed to the governors of Maryland, Pennsylvania, Virginia, North Carolina, and South Carolina. After referring to the chicane of the court of Versailles and the dangers to the Province from the French, Egremont said that it was the King's pleasure that there be raised with dispatch as large a body of men as possible, these to be levied under the conditions which Sharpe had outlined in his opening speech. Egremont also promised that the Provincial officers in the new forces would continue to have the same rank as that to which they had been commissioned by the Governor, who was to select them from among "such Gentlemen in your Province as you shall judge, from their Weight and Credit with the People and their Zeal for the Public Service", were most suitable, a reiteration of the same promise made in the King's Warrant of December 30, 1747, when Provincial troops were then being raised. The minister also admonished "that His Majesty expects that your Province will not Obstinately persist in refusing to comply with their Duty to the King . . . . a Behaviour which cannot fail to incur His Majesty's Displeasure" (pp. 5-7). General Amherst in his letter from New York, dated February 9, 1762, transmitting to the Governor the above circular letter from Egremont, urged the Governor to call together the Assembly at once, so that the King's wishes might be promptly complied with, summarized the contents of the Earl's communication, and added that as soon as he had apportioned the quota which each province would be expected to furnish to complete the regular regiments now serving in America, he would transmit to the Governor a second letter from Egremont of the same date telling him what would be expected of Maryland in order to comply with the King's command, and "the Encouragements which his Majesty is graciously pleased to Empower me to give [to his Maryland subjects] for effecting this most Essential Service" (pp. 7-9).

Both houses promptly replied to the opening speech of the Governor. The Upper House in its address, dated March 22, promised, as was to be expected, its full cooperation in carrying out all the wishes of the King and of General Amherst, and expressed its profound gratitude to the former for all the measures he had taken to defend the colonies against their enemies, and closed with an expression of loyalty. The Lower House in its address in reply to the Governor threw down the gauntlet to him and to the upper chamber. After opening with an equivocal promise to use its best endeavors to fulfill "the Royal Expectation in a Manner the most suitable to the Circumstances of our Constituents", the address referred to the serious reprehensions upon the house contained in the Earl of Egremont's letter for its not having passed a Supply bill, an unjust criticism which the house declared was due to the failure of the Upper House to pass the Lower House Supply bill, and to provide for the support of a Provincial Agent in London to represent the cause of the people of Maryland before the Crown. An effort by the members of the Proprietary party to strike out what was to them an obnoxious final sentence of the address to the Governor, was lost by a vote of twenty-six to fifteen. This disputed concluding sentence referring to the reflections upon the Lower House, reads as follows: "And as that Reprehension is so general, we must conclude that our most Gracious Sovereign and his Ministers have not been fully and truly informed of the repeated generous Offers of the People, heretofore made by their Representatives, to raise very large Supplies for his Majesty's Service, by Bills passed for those Purposes, and constantly refused by the Upper House" (pp. 76-77).

The Journal of Accounts, carrying appropriations for all the ordinary expenses of the Province, made up by a committee of the Lower House, was adopted by the house on April 23, and sent to the Upper House. Here it was promptly rejected, as it had been at successive sessions for the past six years, because it did not include the salary of the clerk of the Council, back pay for the militia, and certain other disputed items, although there were no messages exchanged between the houses at this session as to the reasons for its rejection. The struggle between the houses over the Journal of Accounts will be found dealt with at length in this introduction (lviv-lvi). A joint committee composed of members of both houses was appointed to examine the accounts of the Loan Office, or Paper Currency Office, and to report upon its condition. The reports of this committee are summarized in another section of this introduction (pp. lx-lxiv).

The Supply bill, or Assessment bill, first came up in the Lower House on March 20, 1762, when the house took under consideration the recommendations contained in the Governor's speech made at the opening of the session, when he transmitted the letters from the Earl of Egremont and Sir Jeffrey Amherst directing that the Assembly be called together so as to provide Provincial troops for His Majesty's Service (pp. 2-5). Votes were then taken in the house as to what should be the scope of these military measures (pp. 81-83, 85-89, 99-101), which showed that the anti-Proprietary party still held the whip hand, although by a slim majority. The house ordered that a Supply bill be brought in, and its preparation was entrusted to a committee of which Edward Tilghman was chairman. The bill was introduced on April 5. Under it the sum of £45,000 was to be raised, principally by the imposition of a tax based upon annual assessments upon incomes derived from fees and salaries of public officers, upon incomes of professional men and those engaged in trade, and incomes derived from land, and from taxes imposed upon the assessed value of personal property and land (pp. 89, 104). The course of this bill in the Assembly, its passage in the Lower House by a narrow majority, its rejection in the Upper House, and the acrimonious messages which passed between the two houses, are reviewed in detail in another section of this introduction (pp. xxxviii-xlvi). Passed at nine sessions by the Lower House and as often rejected by the upper chamber, the Assessment bill was not to be heard of again.

The longstanding boundary dispute between Maryland and Pennsylvania is brought to our attention when, a day or two following the passage of the Supply bill in the Lower House, the Governor sent a message, dated April 14, 1762, declaring that as it would be necessary for him to be in Newcastle, Delaware, at the beginning of the following week to attend a meeting of the commissioners appointed to execute the articles of agreement between the two provinces for running the divisional line, it was his wish that the session be brought to a conclusion not later than the end of the present, or the beginning of the following week (p. 124). The Lower House on April 16 in reply requested him not to put such a speedy conclusion to the session, but to allow sufficient time for the Assembly to complete the multiplicity of business before it of such importance to the country, including the preparation of an address to the King offering condolences on the death of the late sovereign and congratulations upon his own accession and marriage (pp. 132-133). From other sources it is learned that Sharpe wrote to Cecilius Calvert, Secretary to the Lord Proprietary, under date of May 11, 1762, that the Newcastle meeting had been postponed as the result of this delay until April 29. (*Arch. Md.* XIV; 53-54).

It was not until near the close of the session, however, that the Lower House found time to fire a broadside at Sharpe as the representative of Proprietary pretensions (pp. 138-143). The Governor in his opening message to the Lower House, dated March 20, 1762, had expressed the hope for a better compliance with the King's commands as conveyed through Egremont and Amherst, and that the Assembly would make prompt provision for a force of provincial troops. In this message he also expressed the hope that the Lower House would not impute to him its failure to secure funds to provide for the support of a Provincial Agent in London to represent the Province there. He declared that he had regularly transmitted to the King's ministers in London and to the Commander-in-Chief in America the journals of the Lower House, together with copies of the rejected supply bills, so that the home government might be fully informed; and that he had also sent a copy of the opinion of Attorney-General Pratt and the resolves of the Lower House bearing on various matters in controversy between the two houses. The King and his ministers therefore knew all (pp. 80-81).

On April 17, when the Supply bill was finally out of the way, the Lower House replied to the Governor's message of March 20, and this it did at length and with acrimony. In its message to Sharpe the house declared that the failure of the King's ministers to understand why the various supply bills had been rejected was due to the fact that the people had no agent in London who could present to the Crown their side in their controversies with the Proprietary (pp. 138-143). The spirited reply, dated April 23, of the Governor to the Lower House, covers in detail most of the questions in dispute between the two houses in relation to the Supply bill, and reviews very thoroughly what transpired in 1757 and 1758 between the houses and the opinion of Attorney-General Pratt that the bill was unconstitutional (pp. 157-170). In those sections of this introduction dealing with the Supply, or Assessment bill (pp. xxxviii-xlvi), and with the attempt of the Lower House to secure a support for an Agent in London (pp. xlvi-xlviii), further attention will be given to this message.

The attention of the Assembly at the 1762 session was called by the Governor to the wretched condition of the public buildings at Annapolis. A joint committee of the two houses reported that it had found in especially bad repair the Commissary's Office, the Council Office, the Court House, the Parade, the Loan Office, and the Conference Chamber, which needed plastering, glazing, new roofing and flooring. It also reported that the bookshelves needed divisions to prevent damage to the record books and papers then deposited in them. The committee seems to have been authorized to contract for the expenditure of a sum not over £200, to be taken from the Treasurer [of the Western Shore] for that purpose (pp. 26, 27, 30, 39, 56, 136). It does not appear, however, that these repairs were carried out, for at the next session, 1763, the matter came up again and an ordinance was passed appropriating £300 for repairs to public buildings, a sum which the representatives of the Upper House felt was insufficient (pp. 387, 396, 398).

The condition of the public records was also a matter of concern. At the 1763 session on the motion of Colonel Edward Tilghman, the Lower House ordered that in future a committee be appointed on the third day of each session to inspect the records and papers in the public offices and report on their condition with a list of all the books in the several offices (pp. 320, 321).

Important legislation, if of a general character, was usually initiated through a motion made by one of the leaders in the Lower House, that a committee, either a standing or special committee, be ordered to "bring in a bill" for some designated purpose. Such a bill might require considerable time to prepare, or it might have been prepared in advance and be ready for immediate introduction. Legislation, especially if local or "private" in character, was often initiated by petitions addressed to the Governor, or to the Governor and the Assembly. These petitions were in most cases first presented in the Upper House, which usually without acting upon them, referred them to the Lower House. Occasionally, however, the Upper House rejected them without reference to the other chamber. These petitions had obviously become so numerous and so troublesome to the delegates in the Lower House, who often had to appoint special committees to enquire into the merits of the matters presented in them, that at the 1762 session, the house on November 2, "Resolved that on all Bills drawn on Petition to be presented to this House containing Matters of Fact Necessary to be Proved in Order to obtain the End prayed for by the said Petition, the Proof Necessary to Make the said Facts appear Shall be ready to be produced to this House on the Second reading of the Bill drawn for that Purpose" (p. 243). And again at this session the Lower House resolved that petitions to the Assembly involving the imposition of local county or parochial taxes must be advertised at least two months previously at local court houses, churches, and chapels of ease, otherwise they would not be considered (pp. 389). Unfortunately very few of the original petitions have been preserved and are now to be found among the provincial archives, as they would unquestionably throw interesting light upon many matters now obscure. That of Jonas Green, the public printer, in the form of a printed broadside described elsewhere in this introduction (p. lxxiii), is an exception, and is to be found among the Calvert Papers. For some reason, however, the original petitions of insolvent debtors "languishing" in prison, who craved legislative relief, are also exceptions to the rule and have often escaped destruction. Some of these for this period will be found reproduced in the Appendix (pp. 583-589).

At the 1762 and 1763 sessions sixty-eight laws in all were enacted, thirty-four at each session, in marked contrast with the session or "convention" of the Assembly held in April–May, 1761, when owing to the disagreements between the two houses no laws at all were passed.

Little legislation of much importance, however, was enacted at the 1762 session. Among the laws passed were twenty-nine of a public character and five private acts. Of the twenty-nine public laws, sixteen, or more than half, were continuances of acts about to expire by limitation of time, which were now extended by legislative action. Fifteen of these continuances were for three years more, while one, an unimportant local law for the destruction of wolves in Frederick County, was for a six year period. Most of these were old laws which had been previously continued by successive legislative acts, so do not require mention here. Of the thirteen new acts of a public character, only four applied to the Province as a whole, the remaining nine being local or parochial laws. Of the four general public laws, one for the encouragement of Jonas Green, the public printer [*No. XXIV*], is discussed at length elsewhere in this introduction (pp. lxxii-lxxv). The act to prohibit loans by the Paper Currency or Loan Office [*No. XXXIV*] was doubtless passed to correct the lax methods of the Commissioners of the Loan Office, uncovered by an Assembly committee and commented upon in another section (pp. lx-lxiv). The law for the continuance of causes then standing for trial in the Provincial Court [*No. XXXI*] merely authorized the postponement of court hearings to a date later than the close of the April, 1762, court term, and thus kept the cases alive until the September court. The act [*No. XV*] to permit the executor of James Hollyday, Sr. to draw upon certain funds of the Province deposited by Hollyday in London, was of a public character, as these were public funds which had been deposited there by Hollyday as treasurer of the Eastern Shore, which the London depository refused to release on the executor's order without legislative authority.

Nine new public laws, local in character, were passed at the March–April, 1762, session. The first act [*No. I*] passed March 22, continued all actions pending in the Prince George's and Queen Anne's county courts which had been called to meet on March 23, and authorized the adjournment of these courts, without prejudice to causes, until the fourth Tuesday in June, because certain of the attorneys practicing in them were now in attendance as members of the Assembly, and were therefore "obliged to attend their Duty therein" (pp. 178-179). A similar act [*No. XXX*] for the continuance of actions in the Provincial Court already referred to was also passed for the same reason (p. 209). Eight laws relating to parish and church affairs, tobacco inspection warehouses, destruction of crows and squirrels in Baltimore County, and the establishment of a market at Chestertown, were passed. The request for legislation in nearly all of these instances was brought to the attention of the Assembly through petitions, and in several cases the same petitions had been presented at former sessions and had been deferred, sometimes repeatedly, by resolution of the Lower House "to the next meeting of the Assembly".

Legislation relating to six parishes was sought at the 1762 session and in four instances was granted. Acts were passed authorizing the erection of chapels of ease in Coventry Parish, Somerset County [*No. XVI*] (pp. xlix, 187-189), Port Tobacco Parish, Charles County [*XXII*] (pp. xlix, 194-195), and St. Paul's Parish, Baltimore County [*XXV*] (pp. l, 200-202), and for the erection of a new parish church in St. James Parish, Anne Arundel County [*XXVIII*] (pp. l, 205-206). These parochial acts are commented upon in another section of this introduction (pp. xlix-li).

At the 1760 and 1761 sessions of the Assembly, the inhabitants of Chestertown, Kent County, had by petition sought without success to secure legislative authority to establish a market in that town to be maintained upon proper regulations, but on each occasion action had been postponed in the Lower House and the matter referred to the next session. At the March–April, 1762, session a local act to this end was finally passed after amendments had been added to the bill in the Upper House, providing that fines imposed for violation of its provisions, be turned over to the market master for market repairs [*No.* [*XXXII*]. The preamble recites that the inhabitants had built a convenient market house on a square suitably laid out as the market place, and that proper regulation was necessary to prevent clandestine barterings and dealings with servants and slaves. Market days were to be Wednesday and Saturday, but perishable foods such as fish, oysters, fresh beef, and pork, might be sold any day between early morning and noon, although no victuals or provisions might be bought or sold within one mile of the market house during market hours, except at the market, under a penalty of twenty shillings for each offense. No animals were to be slaughtered at the market house nor were horses to be tied in it, as this would be "very indecent and offensive to the Inhabitants of the said town" (pp. 209-211). The petition of the inhabitants of Chester Town for authority to hold a market, and for its regulation will be found printed in the Appendix. It is endorsed April 21, 1761, the date when it was referred by the Upper House to the Lower House (pp. 579-580).

The act [*No. XXXIV*] for destroying crows and squirrels in Baltimore County is an example of the type of local law which down to the present day waste so much of the time of the General Assembly. The wording of the act allowing two pounds of tobacco, about two pence, to be paid for the head or *scalp* of each crow or squirrel destroyed, suggests that the legislature could not forget in wording this bill, the bounty of twenty pounds paid for the scalp of every enemy Indian (pp. 212-213). A local law [*No. XXVI*] increasing the pay of tobacco inspectors at the warehouses at Elk Ridge Landing, Anne Arundel County, and at Emerson's in Talbot County (pp. 202-203), as well as the act [*No. XX*] authorizing the erection of a tobacco warehouse at Vienna Town, Dorchester County, may be of interest to students of eighteenth century tobacco culture in Maryland (pp. 191-193).

Five private acts were passed at the March–April, 1762, session. One of these [*No. XXI*] changed the name of Zacheas Barrett of Baltimore County to Zacheas Onion, and was passed so as to allow Zacheas and his children to take the surname Onion in order that he might, in compliance with the terms of the will of his uncle, Stephen Onion, thereby inherit considerable real estate left him conditionally under his uncle's will (p. 194). An act to remedy omissions in the will of Henry Woodward, gentleman, of Anne Arundel County [*No. XXIII*] was passed at the prayer of Mary Woodward, the widow and executrix, to permit her to sell a tract of one hundred and fifty acres, variously called Turkey Quarter, Clark's, or Clark's Quarter, in Anne Arundel County, which her husband intended to include among other lands which he had directed to be sold (pp. 195-196). An act [*No. XXVII*] was passed to empower Mary Stansbury, widow and administrator of Tobias Stansbury, late of Baltimore County, to sell lands for the payment of his debts. The act shows that Stansbury had left five daughters and an infant son, and that he was the owner of about five hundred acres in Baltimore and Frederick counties. The widow was empowered to dispose of by public vendue enough of these lands to pay her husband's debts. A similar act [*No. XXX*] empowered William Clajon and Mary, his wife, to sell a lot in Annapolis, upon which stood three dwelling houses, for the payment of the debts of Gamaliel Butler, deceased. The act recited that Mary, the widow of Butler, had one son by him and that she had since married William Clajon. She was given authority to dispose of the land and houses in Annapolis by public vendue, any surplus over and above the amount required to pay Butler's debts to be applied to the use of those persons to whom the lot and houses under the will would have belonged.

An act of naturalization [*XXIX*] was passed to naturalize Colonel Henry Bouquet and Frederick Victor, both of them referred to as "Foreigners of the Protestant or Reformed Religion". Colonel Henry Bouquet (1717-1765), described in the act as appointed by the King "an Officer of his Majesty's

Sixtyeth or Royal American Regiment", was a British Army officer of French-Protestant descent who had served with great distinction against the French and Indians in the Seven Years' War. He had recently purchased from Daniel Dulany, a tract of land in the neighborhood of Elizabethtown, later Hagerstown, in what was then Frederick County, which was in 1763, resurveyed and patented to Bouquet, under the name of Long Meadow Enlarged, containing four thousand, one hundred and sixty-three acres. An act of naturalization was required so that he, as a "foreigner", might have a legal title to this land. Why this was necessary is a little curious as one would think that his long service as an officer in the British Army would have given him the status of a British subject, but he was legally considered a foreigner. Bouquet first saw service in the Low Countries with the Dutch, and later in the War of the Austrian Succession. In 1755, he became Lieutenant-Colonel of the Royal American Regiment, and in 1758 he was given the rank of Colonel (in America only), but in 1762 was made Colonel by brevet. Just before his death in 1765, he was formally thanked by the King, and made a Brigadier-General. He rendered notable service under General Forbes in the capture of Fort Duquesne, and in 1763, at the time of the Pontiac conspiracy, inflicted a signal defeat on the Indians. It is not believed that he ever actually lived on his tract, "Long Meadows Enlarged", near Hagerstown. After his death the Maryland Assembly in May 1766 passed an act authorizing the recording of Bouquet's will in the Prerogative Office at Annapolis; this was doubtless to establish the legal ownership of his Maryland land.

Of Frederick Victor, described in the naturalization act as "of the City of Annapolis, Gentleman", little has been learned. The vestry records of St. Ann's Church, Annapolis, show that he was organist of that parish, 1761-1763, and that on October 6, 1761, he was paid £10 for his "valuable care" in putting up the organ which had lately been bought in England. He was listed in July, 1762, as a bachelor "of the Value of 100 £ and under 300£", but in April, 1763, his "value" had been raised to 300£ and upwards. The last mention of him is in December, 1763. What became of him later is a mystery. Perhaps he sought other fields where his musical abilities were better appreciated. An attempt made at the 1763 session to secure the imposition of a poll tax of eight pounds of tobacco on the inhabitants of St. Anne's Parish, for the support of an organist (p. 226), was doubtless in behalf of Frederick Victor (pp. 226, 325). It was rejected by the Lower House, which probably accounts for the disappearance of Victor from St. Anne's (pp. 318, 325).

Bills which fail of passage in a legislative body, especially if passed by one house and rejected by the other representing a more privileged group, often throw more light upon social, and political under-currents of thought, and better foretell future trends, than do the laws actually placed upon the statute books. This was especially true in Maryland for the period under consideration. Thus the Supply or Assessment bill, in its various forms, passed nine times in the Lower House during the seven year period from 1756 to 1762, and rejected in each instance in the Upper House, reveals a deep-seated conflict of interests between the people and the Proprietary as represented respectively by these two houses, which helped to prepare the minds of the former for revolution. But fortunately there have been preserved copies of three of these rejected Supply bills, and these together with the journals of the two houses and the correspondence of Governor Sharpe relating to them, bring out clearly the matters in controversy. In the case of the majority of other bills rejected at the 1762 and 1763 sessions, however, no copies have been preserved, and the journals of the two houses throw little or no direct light upon their contents. As most of them arose in the Lower House, and after passage there were promptly rejected by the upper chamber, it is safe to assume that nearly all were looked upon by the latter body as encroachments upon the Proprietary's prerogative. In a few instances, where before final rejection they were returned by the Upper House with amendments which the Lower House refused to assent to, the journals of the houses thus reveal what was the cause of their rejection. Some of these bills were recognized to be meritorius as far as their general purposes were concerned, and would have been promptly passed by both houses had not the question of the prerogative entered. The disposition of license fees and fines was often the point at issue, the Lower House bills providing that these should be used for some specified public purpose or for the general support of the Provincial government, while the Upper House claimed them for the personal use of the Proprietary. Bills that seem to have failed, or upon which action had been deferred, for this, and possibly other reasons, were: (1) An act to ease the Land Tax (pp. 154, 38); (2) an act for the advancement of justice (pp. 104, 138, 143); (3) an act to make it penal to forge or counterfeit Bills of Credit of Virginia, Pennsylvania, New York, East or West Jerseys, or the three lower counties of Delaware, called Newcastle, Kent, and Sussex (pp. 107, 126); (4) an act for the preservation of the breed of fish in the river Susquehanna (pp. 107, 145, 155, 32).

The rejection of another group of bills originating in the Lower House and turned down in the Upper seems to have been in part due to the fact that they would have extended the jurisdiction of the county courts at the expense of the provincial courts in Annapolis, a decentralization of judicial power which the Proprietary government opposed, as its influence was better assured in the courts at Annapolis, the seat of government. Such bills were probably: (1) An act for the advancement of justice (pp. 104, 138, 143); (2) an act for the trial of ali matters of fact in the several counties (pp. 105, 137, 149); and (3) an act for issuing writs of replevin out of the county courts (pp. 135, 33, 34). Copies of these bills have not been preserved. In a quite different group, however, was the proposal to defer payment of allowances to the members of the Upper and Lower Houses of the Assembly (p. 392), which from its title suggests self-abnegation on the part of the Lower House, but was one really directed at the members of the Upper House, who also received pay as members of the Council and as holders of various other public offices. This had for years been a matter of controversy between the two houses and need not be again discussed here (*Arch. Md.* LVI; xxlii).

Several petitions praying legislative action were either rejected, or their consideration postponed until the next session. A petition was presented at the 1762 session in the Upper House by "Reb^{a} Stokes of Baltimore County Widow praying a Town may be laid out on a Tract of Land called Harmer's Town upon Susquehanna", but was promptly rejected (p. 20). Rebecca Stokes was the widow of Robert Stokes who lived on the tract Harmer's Town patented under this name in 1658 at the mouth of the Susquehanna, where the city of Havre de Grace, founded in 1785, now stands. It is uncertain what connection, if any, there was between this petition and the petition which was presented at the 1763 session of the Assembly praying that a town, to be called Charlotte Town, be laid out in Baltimore County at the mouth of the Susquehanna River (p. 232). The petition for the establishment of Charlotte Town will be discussed later (p. xxxiv). Petitions from St. Peter's Parish, Talbot County, for authority to establish a chapel of ease (pp. 105, 155), and from Prince George's Parish, Prince George's County, apparently for similar authority, were presented, but were not acted upon (pp. 33, 149, 151). A petition of sundry inhabitants of George Town, Frederick County, and also one from sundry inhabitants of Talbot and Dorchester counties, the nature of which are not disclosed, were also referred to the next session (pp. 16, 105, 155). The character of the petition of the Mayor, Recorder, alderman, and common council of the city of Annapolis upon which action was also deferred is not revealed (p. 20, 105, 155). Another petition, of an undisclosed nature, from the inhabitants of Anne Arundel County was considered in the Lower House on April 20, 1762, and by a vote of twenty-nine to ten, action upon it was deferred until the next Assembly (p. 148). This was doubtless the petition for the establishment of a town at Elk Ridge Landing which was rejected in the Upper House at the 1763 session (p. xxxiii). The petition of Henry Ward of Cecil County was also deferred (pp. 116, 155). It is not quite clear why a petition presented by John Paca and others, executors of the estate of John Paca, Jr., of Baltimore County, requesting legislation granting them authority to sell certain lands, which had been presented at successive sessions since 1758, should have been again deferred (pp. 17, 105, 133, 427, 431). It may be added, however, that the requested legislation was enacted at the 1763 session. For some undisclosed reason no petitions were presented in the Assembly at the 1762 session for the relief of debtors languishing in prison, nor did petitions of this kind come before the 1763 session.

The 1762 Assembly, after a five weeks session, was prorogued on April 24, to meet again on September 13, 1762, but the sequel shows that after several postponements it was not brought together until October, 1763. The 1762 session was not an important one. The long-standing matters in controversy between the two houses were becoming a little shopworn, and although some of the messages display considerable apparent acrimony, one rather feels that much that was said was "for the record", and that both sides were becoming a little weary of the long continued war of words.

SESSION OF OCTOBER–NOVEMBER 1763

The second and last session of the Assembly elected in the autumn of 1761 did not meet until October 4, 1763. When the preceding session ended on April 24, 1762, it had been prorogued to meet again on September 13 of that year (p. 177), but on August 12, the Governor prorogued it until March 7, 1763; and again on February 11, 1763 its meeting was further prorogued until June 11, and again until October 1, 1763 (*Arch. Md.* XXXII; 41, 48, 56). Its first meeting, due apparently to an insufficient attendance, was delayed until October 4, when the journals record that there were "A Sufficient Number of Delegates to compose the Lower house of Assembly being Convened in the Stadt house" (p. 291). The usual procedure at the opening of a session was followed. The Governor made his opening speech to both houses. In the Lower House the petition of "Michael Macnemara late clerk of this house praying to be rechosen" as clerk was presented, and after being favorable acted upon by the house, and the Governor's approval secured, he was elected and sworn (p. 292). It will be recalled that Macnemara, who had been clerk of the Lower House from 1747 to 1760, had recently spent two years in England on a visit. In the view of Sharpe he was not favorably disposed towards the Proprietary interest and was "a most turbulent spirit" (*Arch. Md.* LVI; xxxvii). At the April–May, 1761, session and at the March–April, 1762, session, John Allen Thomas of Talbot had served as clerk, and was now replaced by Macnemara. Thomas was chosen as one of the clerks for Lower House committees, as were also a little later Edward Magruder, Henry Wilkins, Turbutt Wright, and Isme Baly (pp. 293, 296, 299, 311, 318). The "Reverend M.r Dewie" [Dowie] was desired to read divine service daily at the opening and closing of meetings (p. 292). This was the Reverend William Dowie, who on April 2, 1762, received the King's bounty and was licensed by the Bishop of London for Maryland; he had been recommended to the Proprietary by the Archbishop of York, and although he was at this date rector of St. John's Parish, Queen Anne's County, he was temporarily in charge of St. Anne's, Annapolis (*Arch. Md.* XXXI; 534: XIV; 101).

The same rules of procedure were adopted as had been used at preceding sessions (pp. 71, 72, 293-294). A little later in the session, however, a new rule was adopted, on motion offered by Colonel Edward Tilghman, "that for the future the name of every Gentleman who may make a Motion in the house be incerted in the Entry that may be made in consequence thereof" (p. 317). This was a new departure in Maryland legislative procedure and was one which makes the Lower House journal less impersonal than it had previously been. The new rule seems, however, to have been applied only to new or relatively important matters, routine motions rarely disclosing the names of the movers. The house also adopted a rule later in the session "that when a Sufficient Number of Members to Compose a house are met the house proceed to Business notwithstanding the Absence of any" (p. 356). Another new rule was also adopted on motion of Colonel Tilghman that for the future on the third day of every session a committee be appointed and ordered to compare the Lower

House journal of the preceding session with the original entries (p. 322); evidently errors had been made in copying the rough notes of the clerk into the official libers. Various important standing committees were next appointed with very much the same popular leaders on them as were at the last session (p. 294).

Three new members appeared in the Lower House at the 1763 session: viz., Nathan Baker, elected to fill a vacancy from Cecil County, and although there seems to have been something wrong about the return of his writ of election this did not, however, deprive him of his seat (p. 343); Henry Steele, from Dorchester County, chosen at a special election to fill the place of Charles Goldsborough, "called to the Upper House" (p. 293, 374); and Edmund Key from St. Mary's County, who had been chosen at the regular election in the fall of 1761, but had only just returned from London, where he had studied law and was a member of both the Middle Temple and the Inner Temple (E. Alfred Jones' *American Members of the Inns of Court, 1924*, p. 114). Baker was of the Popular party, Steele and Key were of the Proprietary group. When later in this session Baker, as the residuary legatee of a certain Jethro Brown sought special legislative relief, action upon his petition was postponed until the next session (p. 376).

The members of the Upper House who were usually present at the daily meetings of the 1763 session were Benjamin Tasker, Benedict Calvert, Stephen Bordley, Daniel Dulany, John Ridout, Philip Key, and Charles Goldsborough, the two last named having been appointed to the Council since the 1762 session of the Assembly. Edward Lloyd and Richard Lee appeared only at a few meetings towards the end of the session. Samuel Chamberlaine, Charles Hammond (p. 273), and Robert Jenkins Henry were ill and unable to be present. Philip Thomas, who had sat in the 1762 Assembly, had since died.

The opening speech of Governor Sharpe to both houses was a brief one. He congratulated the members upon the restoration of a peace so advantageous to the future security of these colonies, and also upon the "auspicious birth of a Prince of Wales"—the future George IV. He said that he had called the Assembly together because the Tobacco Inspection law was about to expire and that it was necessary to amend and continue the old inspection act for the advancement of this staple, upon which the whole trade of the Province was dependent. He also called upon both houses to examine into the condition of the public funds and to consider the pressing back claims which the militia and other public creditors had against the Province. He closed with the wish that they would avoid measures tending to interrupt the harmony which should subsist between the two houses (p. 291). The Upper House promised its complete cooperation. The Lower House in its reply to the Governor's speech rejoiced with him at the conclusion of the late glorious peace and upon the birth of the Prince of Wales. It promised to give serious consideration to the matters brought to its attention by the Governor, to act in a way most conducive to the interests of its constituents, and to avoid as far as possible, every measure tending to interrupt the good understanding between the two houses (p. 295).

The Lower House on April 5 appointed a committee of five headed by Walter Dulany to serve on a joint committee with Benedict Calvert of the Upper House to inspect and report upon the condition of the Loan Office (pp. 223, 296). The first report of this joint committee which was presented on October 14 was followed by another on November 24. These reports, showing as they did large debts to that office long overdue and unpaid, resulted in certain repercussions which will be discussed more fully under Loan Office affairs (pp. lx-lxiv, 271-276, 312-313, 406-407).

The Committee on Accounts also were charged with keeping an eye on the treasurers of the two shores, and on the naval officers who collected certain export duties. The Lower House on October 13 took cognizance of the fact that the treasurers "have omitted for some time to render acc^{ts} of the money by them received for the use of the public", and the Committee on Accounts was ordered to make a report when these accounts had last been filed (p. 309). In a report on the condition of the Loan Office, dated October 14, 1763, the committee declared that the two treasurers had made no reports for several years although the increase in the number of negro slaves imported during the last four years indicated that there must be considerable sums of public money due the Province by the two treasurers for duties on negroes, which had been deposited with them (pp. 312, 313). On October 25, 1763, this committee was directed, that at the time it reported to the Lower House as to when the treasurers had made their last reports, there be also included a report as to when the naval officers had done so (p. 333). On November 22, the committee reported that Charles Hammond, Treasurer of the Western Shore, and Colonel Edward Lloyd, Treasurer of the Eastern Shore, had recently rendered their accounts down to October, 1763 (p. 391). Nor does any report seem to have been made about the accounts of naval officers.

Under the act of May, 1756, appropriating £40,000 for His Majesty's Service, familiarly known as the £40,000 Supply bill, three agents, namely, William Murdock, James Dick, and Daniel Wolstenholme, had been appointed to carry out the terms of that law (*Arch. Md.* LII; 488). Supplementary supply acts passed at the September–October, 1756, the April–May, 1757, and the September–December, 1757, sessions, had also made these same men agents to put these several later acts into effect (*Arch. Md.* LII; 650-656: LV; 125, 402-408). At the October–November, 1763, session, the Lower House appointed a committee headed by Charles Grahame, to examine the accounts of the agents under the supply bills which do not seem to have been examined for several years. This committee reported on November 24, and its report showed various small sums still due to the agents and the names of a number of persons who have not yet paid monies due by them, but the report does not criticize the agents or suggest that they had not properly performed their duties (pp. 343, 399, 401).

When the Journal of Accounts was brought before the Assembly at the 1763 session it met with the same fate that it had met for the last seven years. Passed by the Lower House, it was promptly rejected in the upper chamber. At this session, however, the causes for its rejection were brought more into the open and the various items in dispute were discussed in detail in heated messages between the two houses. This dispute will be gone into fully elsewhere in this introduction (pp. lxiv-lxv). The Committee on Accounts, which was charged by the Lower House with the preparation of the Journal of Accounts, was also ordered by this house to investigate and report upon the accounts of the treasurers of the Eastern and Western Shores. A summary of this report will be discussed later (p. lxiv).

A committee headed by Thomas Ringgold of Chestertown, ordered to enquire into and report to the house what acts were about to expire by time limitation, reported that there were eighteen such laws (pp. 297, 299-300). Most of these laws were reenacted in their old form, but in the case of the Tobacco Inspection act, upon which the trade of the Province centered, an entirely new act was finally passed, following six weeks of heated discussion between the two houses. This so-called Tobacco Inspection act was the most important legislation passed at this session. The inspection law, as its fuller title shows, covers a much wider scope than the mere regulation of the tobacco trade. It covered not only the inspection, grading, storing, and shipping of tobacco, but also limited the fees in terms of tobacco that might be charged by all public officers, civil, judicial, and clerical, and fixed the equivalent value in Maryland tobacco of various English and foreign gold and silver coins which circulated in the colonies. The ratio of value of the foreign coins which the Lower House wished to appreciate above that established by the laws of Great Britain was the cause of a sharp dispute between this house and the Governor, who declared that he would be acting contrary to the orders of the Crown were he to approve any bill at other than the ratio established by English law. This matter will be more fully discussed elsewhere in the introduction (pp. lviii-lx).

Nearly every question which had been the subject of controversy between the two houses in previous years, came up again at the 1763 session, with the exception of the Supply or Assessment bill, now finally dead. The principal legislative bones of contention were: the disposition of licenses from ordinaries, the maintenance of a Provincial Agent in London, the adoption of the Journal of Accounts, the establishment of a college at Annapolis, an appropriation for the defense of the frontier against the Indians who were then harrying the settlements near the Cove, and back pay for the militia sent by Governor Sharpe in 1757 and 1758 for the defense of the Western frontier. The Upper House felt that the legislation as drawn up in the Lower House in all these cases involved premeditated attacks upon the prerogative of the Proprietary, either by an attempt to lessen his authority and dignity, or by the appropriation of revenues claimed by him personally. These questions are all discussed elsewhere under their several headings in this introduction. Of somewhat lesser importance but traceable to the same causes was the Upper House opposition to various other bills, which while recognized by both houses as meritorious in general purpose, were opposed by the Upper House because they contained provisions that the fines and penalties for breaking them were to be applied to public purposes, instead of going into the pockets of the

Proprietary as his prerogative, or because the appropriations which they carried were to come from the disputed ordinary licenses or from some other source of revenue, such as fines and forfeitures, claimed by the Proprietary as his own, or because they sought to extend the jurisdiction of the county courts at the expense of the provincial courts at Annapolis.

The story of the attempt at this session to establish a college at Annapolis, and the proposal to use for this purpose the unfinished and long-abandoned building, known as "Bladen's Folly", begun by Governor Bladen as a residence for the Proprietary governors, has already been told in part by the editor in a former volume of the *Archives* (LVI; lxvi-lxviii). This project was revived at the 1763 session and met its nemesis in the Upper House, because it was proposed to use the ordinary licenses towards the support of the college. In another section of this introduction this final and unsuccessful attempt before the Revolution to establish a "Seminary of Learning" in Maryland, will be discussed in greater detail (pp. lv-lviii). Following the establishment of peace between Great Britain and France in 1762, the Indians, as the result of the uprising under Pontiac, again began to make depredations along the entire western frontier. A bill to provide a force of fifty rangers aroused an acrimonious dispute between the two houses, because the Lower House sought to use licenses from ordinaries for this purpose. Both houses showed a perfect willingness to leave the settlers on the frontier to their fate rather than agree upon any compromise which would have made an appropriation possible for the support of the rangers, and no legislation whatever for this purpose was passed. The disposition of licenses from ordinaries, or public houses, had been the cause of a dispute extending back nearly three-quarters of a century, and one which had gained heat with the passage of the years. It reached its climax at the 1763 session when it colored much of the proposed legislation of importance that came before the Assembly. As an Assembly problem, however, it did not reappear again after this session, although it was not until 1766 that the Proprietary was finally forced on legal grounds to relinquish his claims to these licenses. The history of this ordinary license question, which had its beginnings in 1692, is dealt with in detail elsewhere in this introduction (pp. lxvii-lxix).

Numerous questions involving parishes and churches, such as the division of parishes, the erection, replacement, or repair, of churches or chapels of ease, and the employment of organists, came before the 1763 Assembly, usually as the result of petitions presented by vestries or congregations. These parochial and church matters, are discussed elsewhere (pp. li-liv). Towns and counties asked legislation for their benefit. Thus Baltimore sought authority to confirm a lease made by Thomas Harrison to the commissioners of Baltimore Town for a lot to be used as the site of a town market. The Lower House passed the bill, but after it was amended in the Upper House so as to change the method of appointment of certain market employees and to add a clause "to save to the King and to the Lord Proprietary their respective rights", it was rejected by the lower chamber, doubtless because it implied the recognition of some Proprietary "pretension" which this body opposed (pp. 242, 350, 394-395, 270-271, 396-397). The acts of 1765 show, however, that the Assembly did in that year confirm the lease of lot No. 71 at the northwest corner of Baltimore and Gay streets, doubtless the same lot referred to in the 1763 petition, from Thomas Harrison to the Baltimore Town commissioners for market purposes (Hanson's *Laws of Md. made since 1763,* Chapter xxxiv).

In Charles County the magistrates asked authority to build a prison, and Charles Town in that same county requested an act to prevent the keeping of geese or swine in the town except within enclosures. Charles County did not secure the passage of the prison bill, but the town was given authority to regulate its hogs and geese (pp. 254, 369, 376, 381, 384, 510).

At the session of 1762 an attempt had been made to establish a town at Elk Ridge Landing, but action upon it had been deferred until the next Assembly (p. 148). When it came up again in the Lower House at the 1763 session, there seems to have been opposition, apparently from a member of the Upper House, Charles Hammond, of Anne Arundel County, heir of Philip Hammond, whose lands seem to have been involved. The Lower House by a vote of nineteen to eleven decided that a jury be empanelled if the proprietors of the land and the commissioners appointed to lay the town out could not agree. This house then passed the bill but it was rejected in the Upper House on November 23, for reasons undisclosed (pp. 307, 323, 333, 351, 379, 383, 269).

This attempt in 1763 to establish a town at Elk Ridge Landing in Anne Arundel County, at the head of tide water on the Patapsco River, although unsuccessful, is mystifying to the writer, as a town had already been established there by an act of the Assembly passed in 1733. This 1733 act (which had not been subsequently repealed) erected a town to be called Janssen Town at Elk Ridge Landing. Forty lots were to be laid out on a town site of thirty acres, and the usual procedure in such acts for erecting a town was ordered to be followed. Six commissioners were named in the act who were to have the land surveyed, a town clerk was to be appointed by them, and town records were to be kept. (*Archives. Md.* XXXIX; 125-127). Elk Ridge had prospered and had a flourishing trade with the back country and was the site of important iron foundries, although it never seems to have been called by its legal name, Janssen Town. Why an attempt should have been made thirty years after the erection of Janssen Town to found another town on what seems obviously the same, or a nearby, site, is not clear to the writer, unless the bill introduced in 1763, of which no copy has been preserved, among other things would have repealed the earlier law, changed the name from Janssen Town to Elk Ridge Landing, and contained provisions not in the law of 1733. Or perhaps the earlier act had become obsolescent because its terms had not been carried out. It was not long afterward, however, that the harbor of Elk Ridge Landing filled up with silt, and ships could no longer reach its docks. The name Janssen Town was in honor of Barbara Janssen, daughter of Sir Theodore Janssen, Bart., who had married in 1730, Charles Calvert, Fifth Lord Baltimore.

At the 1763 session George Beall, one of the owners of land upon which George Town, then in Frederick County but now in the District of Columbia, had been erected in 1751, petitioned the Assembly that an injury had been done to him by an "undue survey made in laying out" that town. Bealle and the town commissioners were summoned to appear before the bar of the house, but after Bealle had been heard, his petition was disallowed (pp. 340, 354, 368).

A petition was presented at the 1763 session in the Upper House by "Several the Inhabitants of Baltimore County praying a Town may be erected near the Mouth of the Susquehannah in the said County and called Charlotte Town", but the petition was promptly rejected (p. 232). Doubtless this "paper town" which seems to have died aborning, as it is not heard of again, was to have been located on or near the site of what is now Havre de Grace, Harford County, which was not erected into a town until the year 1785. It will be recalled that at the 1762 session Rebecca Stokes had petitioned the Assembly praying the erection of a town on the tract Harmer's Town, and that her petition had been rejected (p. 20). It is quite possible that there was a close connection between these two petitions. It is of interest that Charlotte Town was not a new name for a Baltimore County town, for some two decades earlier, about 1744, Thomas Brerewood (d. 1746), lord of My Lady's Manor, a tract of over ten thousand acres, lying about twenty-five miles to the west of the mouth of the Susquehanna, gave the name of Charlotte Town to a short-lived "private" town he had laid out on My Lady's Manor, without an enabling act of the Assembly, and named in honor of his wife Charlotte Calvert (1702-1744), the daughter of Benedict Leonard Calvert, Fourth Lord Baltimore. It is probable, however, that the town at the mouth of the Susquehanna was to be named in honor of Queen Charlotte, who had recently become the wife of George III.

A petition was presented at the 1763 session, signed by 123 inhabitants of Somerset County, asking for the passage of legislation relating to the town of Salisbury, located at the head of Wicomico River in that county. The petition recited that an act had been passed at the 1732 Assembly for erecting this town on fifteen acres of land at Handy's or Carr's Landing and dividing it into twenty lots, and declared that although the town was commodiously situated for trade and navigation few lots had been taken up because of defects in the act. The petition prayed that the law of 1732 be repealed and a new act for promoting the advantages of the town, to be framed by the petitioners, be passed. This petition with its signers is printed in full in the Appendix (pp. 581-582). A bill to this end was passed by the Lower House, and rejected in the Upper House, the reason for its rejection not being disclosed by the record (pp. 364, 252, 331, 338, 354, 375). It is likely that the bill was in some way considered hostile to the Proprietary interest.

Two petitions from widows asking the enactment of legislation relating to land were presented in the Upper House at this session and both were rejected (p.260). Catherine Scott, widow, of Frederick County, prayed that a bill "be brought in to make over the Land therein Mentioned upon paying the money to Mr. Worthington". Susanna Johns, widow, prayed a bill "to make good a Deed of Bargain and Sale made by her late Husband for three Tracts of Land", the location of which is not disclosed (p. 260).

Colonel Edward Tilghman was responsible for the introduction of a peculiar "pauper" bill in the Lower House which, among its other features, made it obligatory for "county pensioners to wear badges", doubtless to prevent public charges from imposing upon private charity. With this was coupled a provision prohibiting "the importation of superannuated, impotent, and diseased persons into this Province" (p. 320). This bill does not seem even to have passed the Lower House.

The 1763 Assembly was asked by the petition of a disgruntled husband to pass "an Act of Divorcement declaring the marriage of John Stone Hawkins with Elizabeth Skinner utterly void". Hawkins, who was of Prince George's County, was ordered to file his petitionary bill, but after two postponements in the Lower House the question was referred to the consideration of the next Assembly (pp. 331, 345, 346, 353-354, 358). It is not known if the matter came up afterwards, but certainly no act by divorsement was subsequently passed.

Of the thirty-four acts passed at the 1763 session, twenty were general laws applying to the whole Province, eleven were local laws, and three were private acts. Only one new law, the Tobacco Inspection act [*No. XVIII*], which the Assembly had been brought together to enact, was of outstanding importance. It will be discussed in another place (pp. lviii-lx). Seven of the general acts continued in force laws about to expire by time limitation, and five others supplemented old laws still in force. As usual, most of these continuances were for limited periods, as the Lower House felt that it was politically expedient and that it was in better control of public affairs if the continuance of most laws was dependent upon its periodic approval. Four laws were, however, of such obvious interest to all classes, that although previously enacted with time limitations, they were made perpetual at this session. The old laws that were continued, having been discussed in previous volumes of the *Archives,* will not be especially commented upon here. Of new general laws, the "act for the recovery of small debts before one justice of the peace" was really based on an old law, passed in 1753, which had been continued by successive reenactments since that date, but with certain changes was reenacted at the 1763 session in the form of a new act (pp. 500-503).

The "act for the more effectual securing of orphans estates" was passed to protect the children of widows who remarried from stepfathers who might waste their estates. The law provided that such orphans, if over fourteen years old, might select their own guardians, or if under that age, the county courts would make the selection (pp. 507-508).

The "act for the advancement of justice" [*No. 22*], which had failed of passage at the previous session, was passed at the 1763 Assembly. It changed legal procedure in the Maryland courts in a number of ways, the most important of which gave the county courts exclusive jurisdiction in equity cases involving not more than £5, and concurrent jurisdiction with the High Court of Chancery in equity cases involving between £5 and £20. The bill as introduced gave rise to amendments added in the Upper House and to an exchange of messages between the two houses. Up to this time the High Court of Chancery had exclusive jurisdiction in all chancery cases, but under the act of 1715 would not hear cases involving less than £5 sterling or twelve hundred pounds of tobacco (the then value of tobacco). It was felt by the Lower House, and finally acquiesced in by the upper chamber, that as it was often a hardship for individuals to be unable to have any relief in equity for amounts less than £5, and further that as it was frequently too expensive to litigants to seek relief at great distances from home when amounts between £5 and £20 were involved, the county courts should be opened to equity cases, if the amount involved did not exceed £20 sterling or five thousand pounds of tobacco. The High Court of Chancery, however, was to have concurrent jurisdiction in cases involving £5 to £20 (pp. 313, 237-238, 364-365, 255-256, 504-507).

Renewal of Indian warfare on the western frontier in 1763, following the establishment of peace between Great Britain and France, is discussed elsewhere in this introduction (pp. lxx-lxxii). These Indian depredations on the frontier resulted in the passage of two new acts by the 1763 Assembly, and the continuance of an old act about to expire relating to Indian spies. One of these new acts offered a bounty of £50 current money for the capture or scalp of an enemy Indian (pp. 417, 419), and the other act forbade practically all trade with Indians, even with friendly ones (pp. 419, 420).

There had been a marked increase in the number of negro slaves brought into the Province in the past five years, and as a source of revenue for the county schools an act was passed adding an additional import duty on negroes of £2 per capita to be applied to the support of the county schools (pp. 512, 513). The imposition of taxes imposed under the £40,000 Supply Act of 1756, was about to cease under the terms of this act. The Assembly now passed a supplementary act to continue the imposition of these taxes until December 29, 1764 (pp. 513, 516). Under the £90,000 Paper Currency act of 1733, still in force, certain export duties collected by the naval officers of the several ports of entry were to be sent by them to trustees in London appointed under this act, to be invested by the trustees in the Capital Stock of the Bank of England to the credit of the sinking fund. Some of the naval officers had failed to make their deposits with the London trustees, and a supplementary act passed at the 1763 session directed the officers thereafter to pay these duties to the commissioners of the Loan Office at Annapolis in bills of exchange upon London (pp. 503, 504). The large defalcation of Henry Darnall, Naval Officer of the Patuxent district, and the delinquency of Benjamin Young of the Pocomoke district, doubtless led to the enactment of this law (*Arch. Md.* LVI; lv-lviii). The act for the encouragement of Jonas Green, the public printer, made slight changes in the act for his "encouragement" passed in 1762 (pp. 518-519). Jonas Green and his difficulties with the Assembly are discussed elsewhere in this introduction (pp. lxxii-lxxv).

Three private acts were passed at the 1763 session. The first of these [*No. XV*] was an act to empower John Paca, Robert Adair, Moses Hill, and

Margaret his wife, executors of the will of John Paca, Jr., of Baltimore County, to dispose of by public vendue certain lands belonging to the estate of the late Colonel William Hammond in order to settle a debt of the Hammond estate due to the estate of John Paca, Jr. who had been a surety for Hammond. It appears that Hammond had mortgaged certain lands to Richard Moale but was unable to pay off the loan when it fell due. John Paca, Jr., who had gone surety for Hammond, paid the amount of the Moale mortgage and took an assignment of it. The act in question is very lengthy, covering four pages of this printed record, and involves various legal technicalities which need not be entered into here. It is, however, a mine of genealogical information to those interested in the Paca and Hammond families (pp. 332, 338, 340, 370, 427-431). Perhaps it was the legal complications and intricacies involved that had postponed action in this case for legislative relief over a period of five years, as the matter had come before every session since November–December, 1758, by petitions from the executors. An act was passed [*No. XXV*] to confirm the sale by Draper Lusby and his wife Frances, executors under the will of John Hynson, to Matthew Bryan of a tract of land of one hundred and forty-one acres on Eastern Neck Island, Kent County. Hynson's will directed that for the payment of his debts, this land be sold and conveyance of it made within three months of his death. The land had been put up twice at public vendue before it was finally sold to Bryan, but the deed could not be executed until after the three months time limitation had expired. This act validated the sale (pp. 327, 330, 338, 340, 508-510). There was also passed an act [*No. XXX*] empowering Richard Richardson, Jr. of Frederick County, the heir at law of Richard Richardson, Sr., late of Frederick County, deceased, to sell certain lands belonging to his father's estate, and after the payment of his debts, to divide the proceeds between the children of the testator as provided in the will. The will had directed that the land be sold by the executors, but as those appointed under the will had refused to serve, the terms of the will could not be carried out. The act empowered the son to make the sale and to distribute the proceeds (pp. 327, 330, 373, 375, 381, 514-516).

A considerable amount of proposed legislation which originated in the Lower House at this session failed to receive approval in the Upper House. An attempt by the Lower House to make more stringent the act already in force to prevent the use of false standards of English weights and measures was frustrated by an amendment added to the bill in the Upper House specifying that one-third of the fines and forfeitures imposed under it should go to the Proprietary, one-third for county charges, and one-third to the informer. The Lower House, not wishing any of the fines to go to the Proprietary, promptly rejected the bill as amended (pp. 354, 362, 371, 376), but at the 1765 session the Lower House had its way when an act relating to weights and measures was passed which divided the fines and forfeitures equally between the county and the informer, excluding the Proprietary (Hanson *Laws of Maryland Made Since 1763;* acts of 1765, Chap. 1). Other Lower House bills rejected by the Upper House at this session were directed at Roman Catholics and are discussed in another section (pp. lxv-lxvi).

Nine Lower House bills which involved changes in Maryland legal procedure were considered, but not favorably acted upon at the 1763 session. As no copies of these bills are known to have been preserved, one cannot be absolutely certain in every case why they failed of passage in the Upper House, but from their general tenor, or where amendments were added in the Upper House, the cause of their rejection or postponement seems evident. In its general purposes the legislation proposed seems in itself meritorious, so there can be little question that most of these bills met opposition in the Upper House either because they tended to increase the jurisdiction of the county courts at the expense of the provincial courts at Annapolis which were more directly under the thumb of the Proprietary government, or because they were looked upon as threats to, or encroachments upon, the prerogative of the Proprietary by diverting to public purposes fees or fines claimed by him personally, or because Roman Catholics were unfairly discriminated against. In four instances the bills were rejected in the Upper House, in two instances action was deferred upon them by the Upper House to a later Assembly; in one instance the Lower House itself delayed action; and in the remaining instance the Lower House rejected the bill after it had been amended in the upper chamber. The following is a list of the nine bills just referred to which are enumerated with abbreviated titles: (1) For the better regulating of proceedings upon attachments (pp. 261, 374, 375); (2) to oblige garnishers to give bail and to discover goods and effects attached in their hands (p. 304); (3) for the security of purchasers and others being protestants claimed by, or from, aliens (pp. 305, 359, 375, 259); (4) for quieting possessions, and enrolling conveyances and securing the estates of purchasers" (pp. 305, 357, 374, 375, 250, 259); (5) for the trial of all matters of fact in the several counties where they have arisen (pp. 305, 340, 375, 236, 256); (6) for issuing writs of replevin out of the county courts (pp. 305); (7) for the more easy foreclosure of mortgages (pp. 322, 374, 376); (8) to restrain the evil practice of continuing suits of law on suggestions of want of witnesses, etc. (pp. 384, 385, 389); (9) for equitable payment of money debts (pp. 380, 384, 389, 266).

Governor Sharpe prorogued the Assembly on November 26, 1763, to meet again the first Tuesday in May, 1764. No session was held in 1764, however, and it was not until after another election for delegates had taken place that an Assembly met again in September, 1765. At the 1763 session the Tobacco Inspection act was the only very important law that was passed, nor with the passing of the 1763 session was anything more to be heard in a future Assembly of the Proprietary's claim to the licenses from ordinaries—a subject of strife between the two houses for nearly three-quarters of a century. But when the next Assembly did meet the detested Stamp Act had been passed by Parliament, and the minds of the people, inflamed by this, were to be directed into new channels of political thought.

THE SUPPLY OR ASSESSMENT BILL

The anti-Proprietary leaders in the Lower House determined for political reasons to force the Supply bill or Assessment bill through that house for the ninth time, although they knew it would again be rejected in the Upper House. It first came before the lower chamber on March 20, 1762, when the house took under consideration the matters brought before the Assembly by the Governor in his opening speech, at which time he had transmitted letters from the Earl of Egremont and Sir Jeffrey Amherst, declaring that the King required of the Province that it furnish an adequate force of men for defense (p. 81). On a motion as to whether three hundred or four hundred men be raised for this purpose, the house voted twenty-two to twenty for the larger number, the entire Proprietary vote, with the exception of Gantt, whose vote was always uncertain, being recorded for the smaller number (p. 82). A motion that out of the first money granted under the Supply bill there be repaid the money advanced by General Forbes in 1758 for the pay, clothing, and victualling of the Provincial troops before they were taken into His Majesty's Service, was passed by a vote of twenty-two to twenty, the Proprietary members voting in the negative, because they knew the Assessment bill would never become a law and wanted these advances paid in some more definite way (pp. 82-83). Gantt and Sullivan, both frequently voting with the Proprietary party, then switched their votes. It was further resolved that eight pounds bounty money and twenty shillings enlisting money be paid for each man recruited (pp. 81-83). Two votes on the details of payment for the men taken into His Majesty's Service by Forbes, stood twenty-seven to twenty-one, and twenty-six to twenty-two, both Gantt and Sullivan voting with the Popular party in these instances. Resolutions were also passed to pay the men, really county militia, who at "the Governor's request marched . . . . to the Defence of the Frontier" in 1757 and 1758, and for reimbursing those who quartered His Majesty's [regular] troops in Cecil, Kent, and Anne Arundel counties at about the same time. A committee consisting of John Hanson, Thomas Ringgold, and Edward Tilghman was then appointed to determine what sums of money were needed for these purposes. It reported so promptly and in such detail on the same day that there can be little question that their report had been previously prepared. The itemized preliminary estimate showed that £34,746 would be required (pp. 85-88).

The same day the Lower House resolved itself into a committee of the whole house, or "Grand Committee" as it was also styled, with Robert Lloyd as chairman, and resolved by a vote of twenty-nine to twenty-one that the money be raised "by an equal Assessment on all Estates. real and personal . . . . and lucrative offices and Employments", in other words by the same method of taxation which had already caused the rejection of the Supply bill eight times in the Upper House. All the members of the Proprietary party, with the exception of Gantt, voted in the negative. It was then resolved that a Supply bill to raise £45,000 be brought in, and on March 23 a committee of seven, headed by Edward Tilghman, was appointed to prepare it (pp. 88-89).

Before the bill was introduced, however, a message from the Governor, dated March 30, was received by the Lower House with which he transmitted other letters from the Earl of Egremont and one from General Amherst, requesting that the Assembly would also provide for recruiting and enlisting eighty-four men to help complete the regular royal regiments now in America. The house thereupon resolved that there be appropriated from the funds to be raised under the Supply bill £8 bounty money to each man enlisting and twenty shillings to recruiting officers for each man enlisted. The vote on this motion was twenty-six to twenty-one, the Proprietary group voting in the negative, with the exception of the fickle Gantt and Sullivan (pp. 99-101). An address prepared by Edward Tilghman and John Hammond was thereupon sent by the Lower House to the Governor telling him of the action of that body (p. 102).

On April 5, the Supply Bill was brought in by Robert Lloyd of the committee (p. 104). A few days later certain items in the bill came before the house for consideration. The bill provided that an income tax of five percent be levied upon the salaries or earnings of public officials including the clergy (p. 544-545). A vote was taken whether there be a yearly tax of eight pence or one shilling, payable annually for three years, assessed upon every twenty shillings of the clear annual amount of the incomes or profits of lawyers, physicians, hired clerks, factors, agents, and managers trading within the Province. The house voted twenty-seven to twenty-three, party lines not seeming to enter, that the rate be fixed at eight pence. This was equivalent to a three and a third per cent income tax. It was then voted, thirty-four to eighteen, that every childless bachelor or widower between the ages of twenty-one and fifty whose estate was valued at under £100, be assessed five shillings annually in lieu of all other assessments under the act (p. 110-111); this being adopted after the house had refused by the same vote (but by a quite different line-up) to strike out the clause that the same tax be applied to childless widowers and bachelors irrespective of age. The house refused by a vote of twenty-seven to twenty-five to strike out the clause exempting any persons having three or more children, whose estate was valued at less than £50. By a vote of thirty to twenty-three it also refused to alter the character of the oaths as provided for in the bill that were to be taken by Papists and non-jurors (pp. 111, 112). On a final vote, the Supply or Assessment bill was passed, thirty-two to twenty-one, Gantt and Sullivan, who in earlier votes had often affiliated with the Proprietary group, now voting for the passage of the bill (pp. 113, 114).

As finally framed in the Lower House, it provided for the levying of a tax of one-half of one percent upon the assessed value of personal property, such as ready money and plate, white servants and negro slaves, live stock, wheel coaches, carriages, farm wagons, vessels of all kinds, grains, meats, and other farm products, country-made shoes and harness, stock in trade, and various other forms of personal property (p. 544). The bill contained, as did former assessment bills, features taxing land aimed directly at the Lord Proprietary. All Maryland landowners paid an annual quit-rent tax to him, payable in *sterling,* not in *money current* which circulated at a value considerably less than sterling. Under the bill a tax of one shilling four pence *current* money, equivalent to one shilling sterling, was to be imposed annually upon every twenty shillings *sterling* of the Proprietary quit-rents (p. 550). This was an income tax of five percent upon the quit-rents. All the Proprietary's vacant or ungranted lands were to be taxed annually at one quarter of one percent of their assessed value (pp. 548-550). Why the Proprietary objected to this very heavy taxation of what he considered his absolute own under his prerogative, is obvious.

A message, dated April 9, to the Upper House to accompany the bill was then read. The bill, it declared, had been framed "to answer the Royal Expectations", and "upon such a Plan, as to us seemed most suitable to the Circumstances of our Constituents", but as the new system was of such length and so intricate, the Lower House was willing to depart from the strict parliamentary course to be followed in the case of money bills, so that, if there were any parts open to objections which had escaped them, they would give due consideration to any objections which were pointed out in order to terminate the unhappy differences between the two houses in the matter of raising supplies for His Majesty's Service (p. 114). By a vote of twenty-seven to twenty-five the Lower House approved the message and ordered it sent to the upper chamber; Gantt in this case voting with the Proprietary group against it and Sullivan for its adoption (pp. 114, 115). On April 12, the bill was read in the Upper House, rejected, and returned to the lower chamber with a message (pp. 25-26).

The message from the Upper House, dated April 13, returning the rejected bill to the lower chamber, opened with the statement that the latter body knew when it passed the bill that it would not be acceptable, as it contained the many objectionable features found in the similar bill first passed by that house in April, 1758, and at subsequent sessions. As the bill was thoroughly objectionable the Upper House would pay no attention to the claims that the lower chamber alone had the right to change money bills by amendment, as the Assembly journals show that in the past the Upper House had, when it thought it expedient, not only amended Supply bills originating in the Lower House, but had often proposed such bills and sent them to the Lower House for concurrence, although bills of this kind were in the past also often prepared by a joint committee of both houses. It was also pointed out that the Lower House had in the bill made provisions for four hundred provincials, and eighty-four recruits for the regular regiments, and that the house knew that it would be impossible to supply a greater number than this. Yet as a matter of fact the £45,000 provided under the bill would, according to the Lower House's own calculations, take care of a force of men three times as large in numbers as that provided for in the bill, and furthermore, if the plan were carried into execution, and all real and personal estates were taxed agreeable to its terms, it would raise in one year twice the total sum mentioned as needed, yet the bill provided that it be in effect for a period of three years. The message closed with the hope that as the comparatively small amount of money required could be readily raised by some simple form of taxation hitherto employed in the Province, the Lower House would cease to insist upon a new and intricate system which the upper chamber could not approve (pp. 25, 26).

Upon the reading of the above message in the Lower House, it was ordered, April 13, that a committee headed by Edward Tilghman, with James Tilghman, William Murdock, John Hammond, Thomas Ringgold, and Robert Lloyd prepare an answer (p. 118, 119). After the message in reply was read in the Lower House it was adopted by a vote of twenty-eight to twenty-one (pp. 130-131). On this vote, Simon Wilmer, who had but recently taken his seat in the Lower House, and Gantt, voted with the Proprietary party against its adoption (pp. 126, 131).

In its reply, dated April 16, the Lower House averred that it was a matter of great concern to it that the attitude of the upper chamber, as expressed in its message of April 13, deprived it of all hopes of the two houses coming to an agreement on a Supply bill for His Majesty's Service, because of the obstinate adherence of the Upper House to the objection that had been made by it to the 1758 Supply bill, although many of these objections had since been removed. The house then proceeded to express its political views on the matters in dispute. It declared that "It is a Maxim in Politics, almost universally adopted, that the Representative is justified by the Instructions of Constituents, in acting even against his own Judgment, and we were willing to entertain Hopes, that your Honours might be at present more at large than heretofore, with respect to the Tax on the Proprietary Estate, and the great Offices of the Government, which we take to have been your real Objections to the Bill in 1758, to cover which, most of the others were only thrown in as a Barrier". The house regretted that an occasional waiver of its rights in the past in the case of money bills had resulted in claims by the Upper House in matters of this kind, which even the House of Lords has rarely attempted to exercise in the mother country. If the old Assembly journals, which it is regretted there has not been time to examine, showed a few instances in the infancy of the Province where the Upper House helped to draw up such bills, this was a regrettable inattention and inadvertency on the part of our predecessors, an inadvertency to which the very existence of an Upper House itself was due and the evils which have been the result of its existence. It added that the upper chamber is disingenuous in saying that the bill only provided for supplying four hundred Provincial troops and eighty-four recruits for the regular regiment, as the bill calls for only one-third of the money raised under it to be used for these purposes, the other two-thirds to be used for the return of money advanced by the Crown at the time of the Forbes expedition, and for expenditures to which it was engaged under former "resolves of the Lower House" relative to the defense of the frontiers, and the quartering of regular troops upon the inhabitants. That the Upper House on the contrary seemed willing to thus disgrace the public credit and to deny payments to those who had marched to the defense of the frontiers [in 1757 and 1758], and to those who had suffered greatly by the quartering upon them of the regular troops (pp. 127-130).

In a belated and very lengthy message, dated April 24, 1762, the last day of the session, the Upper House replied to the message of the Lower House of April 16. The Upper House declared that the claim of the Lower House to the rights and powers of the British House of Commons was so unbecoming to a body representing the people of Maryland that no attention would have been paid to it, "but for the Salutary Motive of Obviating those groundless pretensions". The Upper House doubted "the Reality of your Concern over our action in rejecting the bill for raising supplies for His Majesty's Service" because hopes of agreement between the two houses were thus shattered, as "there is not the Least Evidence from your Conduct of a Real Concern to raise Supplies for his Majesty's Service". The objections of the Upper House to the bill were then discussed. It declared that the principal objections to the bill were that it was based on taxes derived from a general assessment upon incomes from real and personal estates and from profits, salaries, and earnings. The Upper House asked why the lower chamber insisted upon adopting an untried and intricate system of taxation, when a familiar one to which the people were accustomed could be used. The assertion of the Lower House that the plan had been successfully employed elsewhere was untrue. The upper chamber declared that the system was "totally new . . . . tho you are pleased to assert that plans of this sort have not only been thought practicable but found by long Experience Eligible in our Mother Country and most of the Neighboring Colonies. We must take the liberty to deny that there is to our knowledge or belief any such law Subsisting in either One or the other unless where the Constitution of Government may happen to be such as you would willingly reduce this to, and even in such a Constitution if such can be found, no such Bill as yours has Existed and been found by long Experience to be Eligible, the Invention is Entirely your Own, and however desirous you may pretend to be that we would only give the people of this Province an Opportunity of making an Experiment of it we must begg to be Excused". The Upper House also denied the assertion of the lower chamber that many of its objections to the first Supply or Assessment bill of 1758 had since been removed, as it still found most of the material objections, especially the constitutional ones, were retained in the present bill. After eight previous rejections why did the house think that a different fate awaited its ninth attempt? It had tried to make the people believe that the bill was really opposed by the Upper House because it taxed the estate of the Lord Proprietary and the great officers of the government, and it had sought to mislead the people by referring to the bill as "an equal assessment" upon all. In saying this the Lower House had no regard for truth or decency, for it knew that the objection of the Upper House was not to the principle of the bill taxing the Proprietary, but to its manner of doing this and the disproportionate quantum of taxes imposed upon him; and it also resented as untrue the statement that all its other objections were merely "thrown in as a barrier" to prevent the imposition of a tax upon the Proprietary. The Upper House did not understand or recognize as true the dictum of the Lower House that it was a "maxim in Politicks almost universally adopted that the Representatives [in the Assembly] are Justifyed by the Instructions of his Constituents". The Lower House had said that it did not have time now to look into some of the matters in dispute, but if it would consult its constituents, the journals of the Assembly, the law books, and the Charter, it would find that its claims were refuted, and that "ever since the constitution was established in its present form . . . . the Upper House had been a Constitutional Check upon any Frantick humour that might Siese the Lower House" . . . . a check that was fortunate at this particular season. The objections of the Lower House to the Upper House as its attendant branch were ridiculous. The several legislatures in British America, except one or two at most, consist of three branches, and the middle branch in each [the Council or Upper House], three instances only excepted, are appointed in like manner as in Maryland. Do not think that an Upper House is a misfortune peculiar to this Province. But when the Lower House railed at former times, it might also lament that the Proprietary and Upper House had admitted it as part of the government. The Upper House forbore to reply in a declamatory strain, as the Lower House had done, in order to influence an Assembly of constituents rather than to correct errors and convince the understanding. Nor will it join in an endless dispute over the phantoms that have been raised. Let the Lower House pay some regard to truth and decency if it would aspire to the rights and privileges of the House of Commons. The rights of the House of Commons are inherent in its *Lex parliamenti;* the rights of the Lower House of the Maryland Assembly are those under the Royal charter, the particular usages, and the common law of England, and what those rights are, the charter, Assembly journals, and law books make clear. The Upper House is equally with the Lower the constitutional guardian of the people's liberties. Our ancestors wisely adopted an Upper House as a check upon the pretensions their representatives might impose upon them. This house now saves them from the ruins their favorite, but untried, Assessment bill would impose (pp. 56-64).

Governor Sharpe, writing to Cecilius Calvert, soon after this Assembly was prorogued, under date of May 11, 1762, upon the events of the session, in discussing the close votes on the Supply bill in the Lower House, thus summarizes its course in the house: "If you will be pleased to compare the Votes in former Sessions, You will observe that the Number of Opponents to the Assessment Bill is greatly increased & as they are in general the most sensible Men in the House there were longer & more frequent Debates upon it this Session than have ever before been during my Administration so that it was doubtful on more occasions than one whether those who for some years past have had the Management of Affairs in the Lower House would be able to carry their Points & indeed could all the Members who dislike their Schemes have constantly attended during the whole Session it is not improbable that they would in a great measure have been disappointed" (*Arch. Md.* XIV; 52).

On April 14, the day following the rejection of the Supply bill in the Upper House, an unsuccessful attempt had been made in the Lower House by Proprietary members to secure by other means than by the assessment and income tax plan, an appropriation of £10,520: 5: 3 for the support of three hundred Provincial troops on the frontier and for recruiting eighty-four men for the King's regular regiments. It was moved in the house that various unexpended monies raised under previous Supply bills, such as allowances for Indian scalps, funds accumulated in the Loan Office, and funds to be secured from ordinary licenses by the provisioning act of 1754 relating to these licenses, be appropriated for the support of these troops. The motion was lost by a vote of twenty-five to nineteen (pp. 121-122). Notwithstanding the defeat of this motion it was brought up again, in what would seem to be the same form, on April 19, when it was defeated by a smaller majority, twenty-four to twenty-two. It is to be noted that the change of one vote would have resulted in a tie, and as Speaker Hooper had strong Proprietary leanings, his vote in its favor would have passed the bill. It was a narrow escape for the Popular party. On this vote Gantt was recorded against it, while Ward and Wright, who a week before had voted against it, now voted for it. Simon Wilmer of Kent, who in the interval had appeared in the house and been sworn in as a delegate, voted for it, and thereafter seems to have consistently voted with the Proprietary group (pp. 146-147).

Two days later, April 16, in an attempt to get its hands on the licenses from ordinaries, the Lower House passed a bill designed to revive an act under which the licenses from ordinaries had been used for military purposes. The record does not disclose the terms of this bill, which probably provided that the monies from this source be used for the support of Provincial troops and for recruits for the King's regular regiments. At all events, it was evidently looked upon by the Upper House as another attempt to encroach upon the Proprietary's prerogative, and was promptly rejected when it reached that chamber (pp. 151, 35, 36, 37).

Under date of April 17, 1762, the Lower House sent a message to Governor Sharpe which dealt with the various questions in controversy, especially with the attitude of the Lower House on the subject of a Provinçial Agent in London, the Supply bill, and Attorney-General Pratt's opinion on its constitutionality, and among other things declared that "we think it not very decent in Your Excellency to pervert the Meaning of Letters from his Majesty's ministers, by arbitrary and forced Constructions, merely for the Sake of throwing an Odium on our Proceedings", in order to make them appear to reflect upon the failure of the Lower House to pass a Supply bill, and not upon the upper chamber (pp. 138-143); this is of course a reference to Egremont's letter (pp. 5-7).

In an even longer message, one covering fourteen printed pages of this volume, in reply to the Lower House, the Governor gave a very full summary of the five years dispute between the two houses on the subject of the various Supply bills, with his objections and those of the military representatives of the Crown to the Lower House bills, on administrative, constitutional, and military grounds. The interested reader is referred to this message for an excellent presentation of the entire matter from the Proprietary point of view (pp. 157-170).

Immediately after the Assembly had been prorogued, Sharpe on April 25, 1762, wrote a letter to the Earl of Egremont justifying himself before the Crown in not having been able to bring about the passage of a Supply bill which complied with the commands of the King as embodied in Egremont's letter of December 12, 1761 (pp. 5-7). He also called attention to the fact that because Egremont "had not in explicit Terms, censured the Proceedings of either the Upper or the Lower House but only in general Words reprehended the Province for not having granted Supplies they [the Lower House] did not conceive the Censure expressed in Your Ldp's Letter as applicable to themselves" (*Arch. Md.* XIV; 47-48). Egremont, writing in reply, July 10, 1762, said that his censure "was intended for any Part of the Legislature of Maryland that had failed shewing a due Obedience to His Majesty's Command", as the Lower House had done in offering a Supply bill which it had known the Governor and Upper House had good reasons to reject. He declared that the King was well satisfied with Sharpe's zeal in his service, but wished the Governor to make known the King's sentiments on the conduct of the Assembly "that They may not deceive Themselves by supposing that their Behaviour is not seen in its true Light" (*Arch. Md.* XIV; 63-64).

In a lengthy reply to Sharpe's letters on Maryland affairs, Cecilius Calvert as representing the Lord Proprietary, writing under date of March 1, 1763, discussed with bitterness the obstinate course of the Lower House in the matter of the Assessment bill, and warmly approved Sharpe's actions in connection with it. He also thanked the Governor for bringing out in his messages that the dispute was not between the Proprietary and the people, as the Lower House sought to have the public believe, but was between the two houses, or rather between the people themselves who were divided in their own opinions, as the journals of the Lower House showed. He also declared that the Proprietary would cheerfully assent to paying taxes on his occupied lands on the same basis as occupied land owned by individuals was taxed. It is of interest that in this same letter Calvert told of rumors of a plan of the English ministry to secure the passage by Parliament of an act to tax the American colonies for the support of a military establishment, for which the several colonies themselves had failed to make sufficient appropriations. Nor had any other colonies been more obdurate in this respect than had Maryland. Although the plan of taxation outlined in the paragraph of Calvert's letter as quoted below was not the one adopted by Parliament, there was substituted for it the notorious Stamp Act that helped to lead to the Revolution: "I am by Authority inform'd, that Scheme is forming for Establishing 10000 men to be British Americans standing Force there, and paid by the Colonies, 'tis said to be Levyed by Poll Tax through out the Colonies; the Parliament has Voted the force, and the Eyes of the Crown and Parliament are on them from that purpose; if by Poll Tax, will require knowledge of the number of inhabitants in each Province; therefore I should be obliged to you to know as to numbers in Maryland" (*Arch. Md.* XXXI; 529-531).

PROVINCIAL AGENT IN GREAT BRITAIN

As was to be expected the matter of the appointment of a Provincial Agent at London to represent the people of Maryland before the King and the Ministry, came up again at both the 1762 and 1763 sessions. In a message to the Lower House, dated March 20, 1762, Sharpe expressed the hope that the house would not impute to him the miscarriage of the previous attempts in the Lower House towards the establishment of an Agent in London. The Governor declared in a detailed statement of events that he had always tried to keep the King and his ministers informed of public affairs in the Province, and of the attempts of the Lower House to secure an Agent, by regularly transmitting to the Crown the journal of the Lower House where were to be found the arguments in the messages for and against a Provincial Agent in London, and other matters in controversy between the two houses (pp 80-81). On April 6, Edward Tilghman, Robert Lloyd, Hammond, and Ringgold were ordered to bring in a bill to provide for the support of an agent in London (p. 104); and on April 17, a bill to raise funds for this purpose by a tax of two pence upon every hogshead of tobacco exported was introduced and voted upon. The vote stood forty-two for the bill and two against, Charles Goldsborough and Dr. George Steuart, obdurate followers of the Proprietary, alone among the twenty-odd Proprietary members of that body, voting against it (pp. 30, 135, 136). The bill was then sent to the Upper House, and on the same day an address by the Lower House, adopted by the close vote of twenty-three to twenty-two, was sent to the Governor in reply to his message of March 20, on the subjects of a Provincial Agent and of the Supply bill. The house said that it would have replied to the Governor before this had it not been so occupied with the Supply bill, and declared that had the people of Maryland been properly represented before the King and Ministry by an Agent who could fairly present their case before them, the Earl of Egremont, now the King's principal minister, would not have criticized their actions. Did the Governor feel that any oppressive act which the administration of the Lord Proprietary might permit could be met by merely sending the journals of the Lower House for the inspection of the Ministry? The object of having an Agent was, in the event of a dispute between the Proprietary and the people, to present the grievances of the latter to the Crown for redress, and not to be able to do this was to invade the King's dignity and the people's privileges. If an individual could appeal to the King, certainly a whole body of people might do so. The Governor as a "delegate of the Proprietary" and "a subordinate instrument", should not be the judge of the expediency of the people having an Agent to support their interests against the encroachments of him whom he represented. It was felt that the Governor's reasoning was unhappy if he inferred that there was no necessity for an Agent because the Assembly journals were regularly sent to the Ministry, when he himself admits that little or no attention has been paid to them in London. The Lower House complained that it had never had the opportunity of putting before the Crown the true attitude of the people on the Supply bills prepared in the Lower House and rejected repeatedly in the upper body. The house felt certain that if it could bring its complaints against the Proprietary government directly before the King, he would impute obstinacy, not to the members of the Lower House but to those, who by refusing to pass a bill for the support of an Agent precluded the people from bringing their contests with the Proprietary to the proper tribunal for decision (pp. 138, 143).

In a letter from Sharpe to Cecilius Calvert, dated May 11, 1762, the Governor wrote that Benjamin Franklin had been unable to get the Office of the Secretary of State to receive the address of condolence to the King for presentation to him, because it contained a paragraph which the Office felt was not pertinent to such an address, calling the King's attention to the grievances of the people which an Agent could bring to his attention (*Arch. Md.* XIV; 52). The agitation to provide support for an agent in Great Britain was to crop up again at the next and subsequent sessions.

The matter of a London Agent did come up again at the October–November, 1763, session, when a bill was drawn up in the Lower House proposing a four pence export duty on every hogshead of tobacco for the support of a Provincial Agent in London. It passed the house on October 18 by a vote of thirty-six to one, Dr. George Steuart of Annapolis, the irreconcilable member of the Proprietary party alone voting against it. The vote indicates that it was such a popular measure that no other member of the Assembly dared to vote against it. The Upper House, as was to be expected, promptly rejected the bill and returned it to the Lower House without any explanation of its action for so doing (pp. 319, 320, 322-323, 373, 374).

ADDRESS OF THE LOWER HOUSE TO THE KING

It will be recalled that at the April–May, 1761, session there had been an acrimonious controversy between the Lower House, on the one hand, and the Upper House and Governor, on the other, as to the form of a joint address to George III, who had recently ascended the throne, offering their condolences to the King upon the death of his grandfather, George II, and congratulating him upon his accession to the throne. Because the Lower House had incorporated in the address a prayer to the King begging that he further the desire of the people of Maryland to be represented before him by a Provincial Agent, a boon, it said, which the Upper House had prevented their obtaining, the Upper House had refused to concur in this message on the grounds that the agitation for a Provincial Agent was not only entirely foreign to such an address, but was merely brought in as a means of casting "an injurious blemish upon His Lordship's Government". The Lower House had then adopted an address of condolence of its own, and had requested Sharpe to affix the Great Seal to it. As the Speaker of the Lower House had refused to sign the address, and the Governor to affix the Great Seal, it must have been dispatched to London without official credentials (*Arch. Md.* LVI; lx, lxii).

A letter from Sharpe to Cecilius Calvert, the Proprietary' Secretary in London, dated April 11, 1762, throws interesting light upon the subsequent fate of this address. Sharpe says that Thomas Ringgold, a member of the Lower House, received a letter from Benjamin Franklin, while the 1762 Assembly was in session, "advising him that the Address of Condolence etc. which was transmitted to him last Summer to be presented to His Majesty as from the Representatives of the People of this Province could not be received at the Secretary of State's Office by reason of its containing a Paragraph concerning Grievances the Majority now agreed to prepare another of which I enclose you a Copy & M^r. Ringgold was I understand desired to transmit it to M^r. Franklin who has it seems offered to serve to the utmost in his power during his stay in England" (*Arch. Md.* XIV; 53).

At the March–April, 1762, session the matter of an address of condolence and congratulation to the King again came before the Lower House, and a committee headed by James Tilghman with eight other members was ordered to prepare and bring in such an address. On April 19, the address was brought before the Lower House, approved, and ordered engrossed. It was adopted on April 24, the last day of the session. Since the last session was held the King had been married, so that not only condolences upon the death of the King's grandfather had to be offered, and the new sovereign to be congratulated upon his accession, but he must also be congratulated upon his marriage to an "illustrious Protestant princess", and upon the "Prospect that our Posterity will be subjects to your Royal Offspring" (p. 173). No reference to the desirability of the Province having an Agent in London nor to the other controversial questions contained in the rejected address of 1761, are to be found in the present address, but the Lower House took a fling at the Lord Proprietary and the Governor, when it directed that the address was not to be presented to the King by the Proprietary, the usual channel, but ordered that a committee of six headed by that uncompromising popular leader, Edward Tilghman, and composed of five other aggressive members of the Popular party in the Assembly, "do transmit the Address to His Majesty to Mr. Benjamin Franklin in London to be by him presented to His Majesty" (pp. 132, 146, 148, 173-174). In a forthcoming volume of the *Archives* it will be shown that the country or anti-Proprietary party of Maryland was in close touch with Franklin, who, at this time was the Agent of Pennsylvania in London.

In the Appendix will be found printed a letter from Frederick, Lord Baltimore, to Governor Sharpe, dated from London, April 22, 1762, saying that he had presented to the King and Queen the address of the Governor and the Upper House, which their Majesties "were pleased to receive very graciously" (p. 572). This was obviously a belated acknowledgment by Frederick of the address of congratulation and condolence adopted by the Upper House at the April–May, 1761, session of the Assembly, which had been sent him to present to the King (*Arch. Md. XXXI;* 538).

PARISHES, CHURCHES, AND CHAPELS

Petitions for legislation were presented at the 1762 session from six parishes. Four of these petitions resulted in the passage of the legislation requested. In two instances the desired legislation was not granted. The following were the four acts relating to churches and parishes which were passed. Coventry Parish, lying in Somerset and Worcester counties, was one of the original parishes that had been established under the act of 1692, and covered a wide territory. In 1751 a chapel of ease had been erected by legislative authority upon a two acre lot on Dividing Creek in Worcester County. An act [*No. XVI*], passed at the 1762 session, directed the justices of Somerset and Worcester counties to assess a tax of sixty-two thousand, four hundred pounds of tobacco against the taxable inhabitants of Coventry Parish for the purchase by the vestry and churchwardens of two acres of land between the head of Coulbourne Creek and Annemessix Dams in Somerset County for the erection by them of a chapel of ease to replace the chapel in Annemessix "so decayed that it is dangerous to attend Divine Service therein", and to enlarge the chapel on Dividing Creek which was "too small to accomodate the Parishioners in a decent Manner" (pp. 187-189). In a similar way by another act [*No. XXII*] the vestry and churchwardens of Port Tobacco Parish in Prince George's County were granted an appropriation of twenty-five thousand pounds of tobacco to build an addition to the chapel of ease in that parish (pp. 194-195).

Another act, passed in 1762, directing the erection of a chapel of ease in St. Paul's Parish, Baltimore County [*No. XXV*], is of interest as there is no evidence that the law was ever put into effect (pp. 200-202). An act passed at the May–June, 1749, Assembly shows that certain commissioners named in the act were to sell specified glebe lands of St. Paul's Parish lying in Baltimore Town where the parish church itself was located, and were directed with the £250 appropriated under the act to buy one acre of land and to erect upon it a chapel of ease at a place called Red House (*Arch. Md.* XLVI; 311-312). Early maps show that Red House was located on the old Philadelphia Road about five miles to the northeast of the mother church in Baltimore Town. Although the act was mandatory, the land records do not show that the commissioners bought the acre which they were directed to do, nor is there the least evidence that a chapel of ease was ever erected at Red House. Thirteen years later as the result of a petition presented at the March–April, 1762, session, an act was passed appointing seven commissioners named in the act, of whom Thomas Chase was the first named, who were directed to buy two acres of land at a place called "T L", which was located on Middle River Neck about two miles east of Red House, and to erect thereon a chapel of ease at a cost of not more than £600 to be raised by a levy upon the taxable inhabitants of St. Paul's Parish for the erection of the chapel, where divine service was to be performed every third Sunday by the incumbent of St. Paul's Parish (pp. 200-202). There is every reason to believe that this chapel was never built. There must have been some potent opposition to the erection of a chapel in this neighborhood which twice prevented the enforcement of laws passed by the Assembly directed to this end. Possibly this opposition came from the inhabitants of Baltimore Town who felt that another church only six miles away was unnecessary, and was aimed at their rapidly growing town. The fact that the petition has not been preserved prevents us from learning who were the inhabitants of Baltimore County who petitioned for the erection of the chapel of ease at "T L", although it is probable that among them were the commissioners appointed under the act to carry out its provisions.

Following the presentation of a petition an act [*No. XXIX*] was passed at the 1762 session authorizing the erection by the vestrymen and churchwardens of St. James Parish, Herring Creek, Anne Arundel County, of a new parish church, as the present church was "so much decayed that it is irrepairable". For this purpose the taxable inhabitants of the parish were to be assessed one hundred and thirty thousand pounds of tobacco (pp. 205-206). It is known that this act was duly complied with and that the present interesting old Georgian church was then erected. At the 1765 session authority was given to St. James Parish to use any money unexpended under the 1762 act for the repair of parish buildings (Hanson's *Laws of Maryland made since MDCCLXIII;* Acts of 1765, chapter XXXI).

Two parochial petitions were not granted. St. Peter's Parish, Talbot County, prayed the passage of an act authorizing the imposition of a tax upon the inhabitants of the parish of £500 for repairs to the parish church and for the erection of a chapel of ease. Action upon this, however, was referred to the next Assembly (pp. 15, 105, 155). The matter did not come up again at the session following, but in 1770 an act was passed for the establishment of a chapel of ease in this parish (Hanson's *Laws of Maryland made since MDCCLXIII;* Acts of 1770, chapter vi). The nature of a petition presented by Prince George's Parish, Prince George's County, is not disclosed by the journal of either house. It was referred by the Upper House to the Lower House, where a bill was ordered to be brought in, but does not seem to have come up for passage (pp. 33, 149, 151). Whether this was identical with either of the two undated petitions relating to Prince George's Parish that were presented at the April–May, 1761, session, is uncertain (*Arch. Md.* LVI; xxxi, lxxiv, 504-506, 506-508). It did not come up again, however, at the 1763 session (pp. 228, 821, 325).

Petitions involving ten parishes or churches were presented at the 1763 Assembly, praying legislation desired by the petitioners. Most of these petitions were from the rector, vestrymen, and churchwardens of the various parishes, with whom the inhabitants or parishioners usually joined. The prayers of the petitioners were granted in four instances by passing the requested legislation.

Two petitions were presented at the 1763 Assembly by St. Ann's Parish, Anne Arundel County, one requesting the passage of a bill to levy a tax of twenty pounds of tobacco for one year upon each of the inhabitants of the parish to repair the chapel of ease, and the other an act to levy a tax of eight pounds of tobacco for the support of an organist at St. Anne's Church, Annapolis. These petitions were referred by the Upper House to the Lower House where they were promptly rejected (pp. 226, 318, 325). It seems certain that the petition for the support of an organist was made in behalf of Frederick Victor, the organist, who was naturalized in 1762, and who is discussed elsewhere in this introduction (pp. xxiv-xxv).

William and Mary Parish, St. Mary's County, sought authority at the 1763 session "to lay out part of Mr. Urquhart's Parish [John Urquhart, rector of All Faiths Parish], and that it be immediately annexed to All Faiths Parish", but this petition was rejected in the Upper House (p. 232). The purport of this from the journals alone is not clear. At the same session All Faiths Parish, which lay in both St. Mary's and Calvert counties, presented a petition, the nature of which is not disclosed but doubtless had a bearing on the petition just cited, which was referred by the Upper House to the Lower House where it likewise was rejected (pp. 232, 327, 352). The whole matter is cleared up by a reference to the William and Mary Parish petition itself, which has fortunately been preserved, and will be found printed in the Appendix, together with a list of the petitioners (pp. 573-574). The petition states that by a former act of the Assembly [1744], St. Mary's County was to be re-divided into four parishes with changes in the dividing lines of the old parishes. Under this division a portion of All Faith's Parish was to be taken off and added to William and Mary Parish (*Arch. Md.,* XLII, 606-610). Under the terms of the Act of 1744 it was provided that the part of All Faith's to be thus annexed to William and Mary (although it had been cut from All Faith's upon the death of the Rev. M.r Lawrence Debutts in 1752) was not to be annexed legally to William and Mary until the death of the Rev. John Urquhart, rector of All Faith's. This did not occur until 1764, a year after the date of this petition. The petitioners declared that as Debutts was dead they therefore now sought to have that part of All Faith's Parish, since the death of Debutts a part of no parish, at once annexed to William and Mary. By doing this, William and Mary would be enabled to collect a poll tax of thirty pounds of tobacco from those inhabitants who at present paid no clergy tax to either parish. The Upper House apparently was unwilling to modify in any way the provisions of the Act of 1744 and make this addition to William and Mary Parish in anticipation of the death of Urquhart, who was still living.

It is to be noted that at the 1765 session an act was passed to tax the inhabitants of All Faiths Parish a total of one hundred and twenty thousand pounds of tobacco, and also to collect an additional thirty pounds per poll to be paid by extra-parochial inhabitants, who by the death of the late rector [the Reverend John Urquhart] became united to all Faiths Parish, to be used for the purchase of one acre of land for the erection of a new church where the old one stands (Hanson's *Laws of Maryland made since MDCCLXIII;* Acts of 1765, chapter v). It was customary when a Parish was divided or when its bounds were altered by an act of the Assembly, that these changes did not go into effect until the death of the then existing rectors. The Reverend John Urquhart had died February 17, 1764, and changes which had been previously provided for in the act of 1744 were now in effect. At the May–June, 1748, session another act had been passed relating to the bounds between All Faiths Parish and King and Queen Parish, adjoining parishes in St. Mary's County, and providing that upon the death of Reverend Mr. Urquhart the number of taxable inhabitants in these two parishes be more equitably proportioned (*Arch. Md.* XLVI; 123, 125).

St. Andrew's Parish, St. Mary's County, was unable to get favorable action at the 1763 session upon a petition, the nature of which the record does not disclose, and upon which action was postponed until the next session (p. 352). An act was passed at the 1765 session, however, authorizing the imposition of a total tax of two hundred thousand pounds of tobacco to be used to purchase for St. Andrew's Parish two acres of land and to build a church thereon; this doubtless explains the nature of the 1763 petition (Hanson's *Laws of Maryland made since MDCCLXIII;* acts of 1765, chapter iv).

At the November–December, 1758, Assembly, an act had been passed imposing a tax of two pence annually for fifteen years upon the inhabitants of Port Tobacco Parish, Charles County, for the support of an organist (*Arch. Md.* LVI; xxiii). This proved to be insufficient for the support of the organist, and at the 1763 session a petition was presented on October 20 from that parish asking that an additional tax of two pence annually per poll be imposed for this purpose. This petition was promptly rejected in the Lower House (p. 325). A few days later, however, the matter was revived, and a bill was introduced and passed on November 22, authorizing the imposition of an additional tax of not more than two pence for the purpose (pp. 351, 383, 390, 516-517).

St. John's Parish, more commonly known as King George Parish, lying in Prince George's and Charles counties, by petition to the Assembly at the 1763 session prayed that a tax of £350 current money be levied for the enlargement of the parish church, and an act to carry this out was passed on November 23, 1763 (pp. 351, 378, 263). Prince George's Parish, lying in Prince George's and Frederick counties, sought authority to have a tax of seventy thousand pounds of tobacco levied upon the inhabitants of that parish for the erection of a chapel of ease, to be located at a point not disclosed by the petition. Referred by the Upper House to the Lower House, it was promptly rejected by the latter (pp. 228, 321, 325). This is doubtless the same petition, the nature of which is not disclosed by the record, which had been presented at the 1762 session (pp. 33, 149, 151). It is to be noted that at the 1771 session an act was passed imposing a tax of ninety-six thousand pounds of tobacco to be used to build a new parish church in Prince George's Parish (Hanson's *Laws of Maryland made since MDCCLXIII;* acts of 1771, chapter iii).

Christ Church Parish, on Kent Island, Queen Anne's County, petitioned the Assembly at the 1763 session "to take so much from St. Paul's Parish [Kent County] as will make up a Competency for a Minister of Christ Church who resides therein" (pp. 575-576); this petition was rejected in the Upper House without reference to the lower chamber (p. 236), but it is to be noted that an act was passed in 1765 altering the bounds of Christ Church Parish (Hanson's *Laws of Maryland made since MDCCLXIII;* acts of 1765, chapter xxxvii).

An epidemic of smallpox which had raged in the neighborhood of St. Stephen's Parish, Cecil County, had prevented the meeting of its vestry on Easter Monday, 1760, so that there had been no legal election of the vestry at that time. At the April–May, 1761, session the Lower House passed a bill to validate the proceedings of a later irregular meeting of the vestry, but like all other legislation at this session, it failed of passage in the Upper House (*Arch. Md.* LVI; lvi, llxiv). This parish again petitioned the Assembly in 1763 to pass an act validating the actions of the vestry since that day and this was done (pp. 228, 321, 325, 332, 348, 235, 426-427). Two petitions relating to the parish of St. Margaret's, Westminster, Anne Arundel County, were presented at the 1763 Assembly. In one petition the parishioners asked authority to build a chapel in the upper part of that parish, and in the other they asked authority to sell the parish glebe and one hundred and fifty acres, part of the tract, "Whitehall", belonging to the parish. No action seems to have been taken upon the first petition for the erection of a chapel (p. 237). The petition asking authority to sell the glebe land of one hundred and fifty acres, part of the tract "Whitehall", received favorable consideration, however, and an act to that end was passed. This act declares that "Whitehall", located at the extreme boundary of the parish, at a place called Sandy Point, was very inconveniently located, and authority was given to sell the glebe land at a figure of not less than £300 sterling, and to use the money for the purchase of a glebe more centrally located in the parish (pp. 256, 373, 376, 288, 498-499).

SCHOOLS

There had been passed in 1723 an act providing for the erection and maintenance of a school in each of the several counties of the Province, and a board of visitors to conduct these had been appointed in each county under it for this purpose (*Arch. Md.* XXXIV; 740-746). Funds for the support of the schools had been provided for in various early and subsequent acts setting aside certain import and export duties and fines for this purpose, to be divided equally among the twelve counties into which the Province was then divided. Since this act had been passed in 1723, two new counties had been established, and at the 1763 session acts were passed for the establishment of schools in Worcester and Frederick counties.

In the case of Worcester County, which had been cut out of Somerset in the year 1742, the Assembly in 1746 passed an act establishing a county school in Worcester, appointing visitors for its management, and providing that its share be a thirteenth part of the money received by the Province for the use of the county schools. By a vote of 35 to 5 the Lower House on November 2, 1763, passed a bill to establish a county school in Worcester County (p. 353), which was assented to by the Upper House, and became a law. The Assembly in 1746, however, had passed an act for establishing a county school in Worcester, appointed visitors for its management, and provided that its share be one-thirteenth part of the money received by the Province for the use of its county schools (*Arch. Md.* LXIV; 416-417). The act of 1763 [*No. XVI*] provided that the visitors of the Somerset County School pay over to the visitors of the Worcester County School hereby established, one-half of the funds that had been in their possession at the time of the division of the counties in 1742. The visitors of the new school were directed to purchase four lots in Snow Hill Town, instead of the one hundred acres provided in the general act of 1723, and to erect a school upon them. From this it is not clear whether the visitors appointed under the act of 1746 had failed to comply with its provisions, or whether the location was unsatisfactory and their successors were given authority under the act of 1763 to move the school to a new location at Snow Hill (pp. 431-433).

A Lower House bill providing for the establishment of a county school in Frederick, the fourteenth county to be erected, and requiring among other things that the public treasurers (of the Western and Eastern shores) render accounts of the funds in their possession to the visitors of the several county schools, was passed on November 23, 1763, and sent to the Upper House, which amended it by striking out the latter provision. The Lower House accepted the amendment and it became a law (pp. 391-392, 269). This act [*No. XXXII*] appointed seven men who were named in it to serve as visitors of a "public school" in Frederick County and to purchase one acre of land in Frederick Town for that purpose, the funds for its support to come from Frederick's one-fourteenth share of the money collected and divided equally among the fourteen counties for the use of the county free schools of the Province. Although Frederick County had been established in 1748 the preamble to the act indicates that as yet there was no county school there. This preamble recites that "it is reasonable that Education should be extended equally to the several Parts of the Province, and that there should be a Public School erected in Frederick County, as well as in the other Counties" (pp. 431, 433).

At the 1763 session a petition had been presented to the Assembly by the visitors of the Baltimore County free school, asking for the passage of a bill to authorize them to dispose of the school lands and improvements. This petition was promptly rejected by the Upper House (p. 232). At the same session the visitors of the Talbot County free school also sought authority to sell certain lands and a house (p. 234) which does not seem to have been granted.

At the 1763 session an act was passed imposing, in addition to the existing duty on negro slaves brought into the Province, a duty of £2 to be used for the support of the county schools (pp. 512-513). The bill as it originally passed the Lower House, imposed a duty of £10 additional per poll, but this was reduced in the upper chamber to £2 (pp. 345, 379, 381, 384).

ESTABLISHMENT OF A COLLEGE

The establishment of a college at Annapolis, long under consideration, had last come up at the April–May, 1761, session, and has been discussed in the introduction to a preceding volume of the *Archives* (LVI; lxvi-lxviii). It will be recalled that it was proposed to complete the building begun in 1744 as the official residence for Governor Thomas Bladen and his successors, which had remained unfinished for nearly twenty years, owing to a controversy that had arisen between the Lower House and the Proprietary government, and to use it as a college building. The Lower House at the 1761 session, after a spirited debate and several votes, adopted a "proposal" which in addition to applying funds that were to be derived from taxes on ordinaries, wheel carriages, billiard tables, and bachelors, and from duties on wines, for the support of the college, approved the raising of the additional funds needed for repairing and finishing "Bladen's Folly", as the building was familiarly called, by a public subscription and a lottery. In including licenses from ordinaries as one of the means of support of the college, the Lower House knew full well that the upper chamber would reject the bill, as monies derived from this source were claimed by the Proprietary as his prerogative. The "proposal", however, was not actually embodied in the form of a bill, the Assembly adjourning before the Lower House could take final action (*Arch Md.* LVI; lxvii-lxviii).

Why the matter of the college did not come up again at the 1762 session is not clear, unless the delegates were too much preoccupied with their final and ninth unsuccessful effort to pass the controversial Assessment or Supply bill. It did, however, come up again at the October–November, 1763, session, when on October 11, a very large committee composed of thirteen leading delegates, several of them members of the Proprietary party, and headed by James Tilghman, was directed to enquire as to the best means of raising a sufficient sum "to erect a Seminary of Learning in this Province", and providing for its support (p. 307). Two days later the committee reported that it was estimated that £2,500 would complete the dwelling house intended for the Governor, and that £500 additional would be required for furnishing the house, for building a brick stable, and for a "garden yard"; and it was proposed that this £3,000 be taken out of monies belonging to the Province in the Loan Office. Annual expenses for maintenance were estimated at £1,360, this to be raised by a tax on ordinaries, estimated to produce £600 annually; a graduated tax on bachelors based upon their "value", to be levied at rates ranging from five to twenty shillings per poll, estimated to yield £420; the balance to be made up by the annual "donation" of £40 which Benedict Leonard Calvert had made for the support of King William's School, Annapolis, and from the tuition fees, or "profit", from eighty boys at £4 per annum, totalling £320. In addition the bill provided for the appointment of two persons in each county who were to raise additional funds by subscriptions to be used for other college purposes. The £1,360 that was to be paid as salaries to the masters of the school, was divided as follows: (1) salary for a president or first master, £300; (2) second, third, and fourth masters, and a mathematical master, £200 each; (3) two English and writing masters at £100 each; (4) four servants and a boy totalling £60 (pp. 309-310, 314-316).

The Lower House approved by a vote of twenty-four to fifteen that the £3,000 required for completing the building and grounds and for furnishings be taken from available public funds in the Loan Office. Party lines were not strictly drawn on this vote, the opposition coming largely from Eastern Shore members. The house next, by a vote of twenty-two to sixteen, approved the method proposed by its committee for raising funds for the support of the college. Upon the motion of Colonel Edward Tilghman, who offered the measure, it was ordered that the proposal for establishing a college which had been concurred in by the Lower House at the April, 1761, session be now again read to the delegates (pp. 314, 316). When the bill came up again on October 28, a motion was made that the taxes levied for the support of the college be paid at the same ratios of coins to tobacco that were in force in the existing Tobacco Inspection law which was about to expire. This motion was carried by a vote of twenty-one to nineteen, the Proprietary party in general voting in the negative (p. 344), because Governor Sharpe had declared in advance that he would refuse to agree to the continuance of this monetary ratio in the new Tobacco Inspection law now being considered in the Lower House, on the grounds that the ratios overvalued tobacco in terms of gold and silver coins, and were contrary to those established in Great Britain, and that he had been instructed by the Crown not to approve any bills that did not conform to the British ratios (pp. 245-247). The college bill passed the Lower House on October 28 by a vote of twenty-one to nineteen (pp. 346-347).

The Upper House did not act upon the college bill until nearly three weeks had elapsed after it had been passed by the Lower House and sent to the upper chamber. On November 16 it took a slap at the Lower House by resolving that further considerations of the bill be postponed until January 10, 1764, when it knew full well that the Assembly would have adjourned long before that date (p. 259). Two days later the Lower House sent a message to the upper chamber, ignoring this action of the upper chamber, in which it declared that "It being now three Weeks Since we Sent you the Bill for establishing a College or Seminary of Learning, in this Province, we cannot doubt but your Honours have duly Considered it, and are come to some Resolution thereon if any Amendments to that Bill are by you thought Expedient, as the Session has already ran to a great Length, and the Approaching Season will become very disagreeable to our Sitting here". The Lower House then asked immediate consideration of the bill, not only because the establishment of a college was a matter of great importance, but because the act regulating and taxing ordinaries was about to expire by time limitation, and that proper regulation of ordinary keepers was necessary to the welfare of the Province (pp. 377-378, 381). This resulted in an exchange of other messages between the two houses, each succeeding message showing increasing bitterness. The Upper House replied on November 19 that it was satisfied that the establishment of a college would be productive of many advantages, but as the bill before it was in "so many respects imperfect and very exceptional", that its consideration now would be productive of extending the session to an unreasonable extent. It therefore declined to return the bill until the whole affair could be more maturely considered, but if, however, the Lower House considered that the want of a law to regulate and preserve order in public-houses would be the cause of great inconvenience, a short bill for that purpose could easily be framed and at once passed (p. 382). It is of course obvious that the use of licenses derived from ordinaries for the support of the college was the real reason for opposing the bill. The question of the ratio of specie to the value of tobacco no longer entered, as the Lower House had by this time receded from the position it had taken in this matter when it agreed to the passage of the new Tobacco Inspection law (pp. lix-lx).

In reply the Lower House on November 22, sent an indignant message to the upper chamber. It opened with the rather mild statement that the differences between the two houses might have been adjusted had the Upper House shown any disposition to do so. It then asked for the immediate return of the bill which it appears the Upper House had retained, and declared that "As it has never been a practice till lately in some Instances introduced by your Honours to detain in your House any Bills Sent up from this, nor has it been Customary for this house to keep Copies of such Bills, we are the more Obliged to press you for a return of this Bill." It added that it wished the bill returned as "It is our Intention to publish the Bill with any Objections you may be pleased to Offer against it and as we Conceive this will be putting the whole into a proper Channel not only for the mature Consideration of Ourselves but of the Public", which cannot be done unless the bill is returned (pp. 388-389). Back came the Upper House at once with a message that the attitude of the Lower House was irregular and not calculated to preserve harmony between the two houses. That the journals of the Lower House show that the establishment of a college had been under consideration for several years, and last at the April, 1761, session, and although it might seem to some members of the Lower House to be a simple matter, it did not appear so to the Upper House, which had deferred action especially because several of its members were prevented by illness from attending the meetings. Finally, the Upper House declared that the practice of retaining rejected bills was of long standing, and was introduced before any of the members of the present Lower House could recollect, but if a copy of the bill was wanted, one would be furnished (pp. 269, 393-394).

The exchange of messages between the two houses closed with a lengthy scathing reply from the Lower House, dated November 25, the day before the session came to an end, thus securing the last say. The house declared that the upper chamber in refusing to return the bill with a statement as to its real reason for its rejection, had been guilty of "disingenuous Arts, totally Inconsistent with the dignity which Should be maintained by Parliamentary Intercourse" between the two houses. Why did not the Upper House in refusing to return the bill state that the real reasons for its rejection were because it was not "palatable to your Honours for reasons which you evade to Publish", and because it did not want its real objections to appear for public examination and discussion, and not, as it stated, because the plans as embodied in the former bill were so similar to the present bill as to be more familiar to the members of the Lower House than to the upper chamber. Nor was it true that the custom of retaining Lower House bills in the Upper House had developed beyond the memory of members now in the lower chamber. The house rejected the proposal that the clerk send a copy of the bill; why did it not return the original bill and keep a copy rather than impose an additional expense upon our constituents? "We must Submit to the Judgment of the Public, whether your Honours in detaining the Bill, and evading to point out your Objections, or propose Amendments, after it had been So long under your Consideration, or this house in pressing for the bill and your Sentiments upon it, with a declared Intention to publish both to the World, have proposed the more rational Expedient for bringing about that mature Consideration which your Honours affect so much to desire" (pp. 402-404). Of course the purpose of the Lower House was to force the upper chamber to admit that its real objection to the bill was its unwillingness to apply to public purposes the money received from licenses on ordinaries, claimed by the Proprietary as his prerogative.

TOBACCO INSPECTION ACT

The welfare of the people of Maryland was largely dependent upon its principal industry, the raising and exporting of tobacco, the staple that was also its established currency. No legislation so much concerned all classes as did what was commonly known as the Tobacco Inspection act, a law which not only regulated in every detail the grading, storing, and shipping of this staple, but under the provisions of the same act, sought to prevent frauds in the collection of His Majesty's customs, and limited in terms of pounds of tobacco the amounts which all public officers might collect as fees, and also fixed the amount of the poll tax for the support of the clergy. Legislation covering these questions had been passed by the Assembly at various intervals for a great many years. When the 1763 Assembly met the business of the Province was still being conducted under the terms of the "act for amending the staple of tobacco, for preventing fraud from His Majesty's Customs, and for the limitation of officers fees", passed at the October–November, 1753, session, which had been extended at the December, 1758, session for another five years, to expire December 1, 1763.

Early in the 1763 session a bill was brought before the Lower House to further extend the act of 1753 and 1758. This chamber promptly passed, on October 7, 1763, the bill which had been brought in by Thomas Ringgold of Kent, and sent it to the Upper House (pp. 299-301), where it was as promptly rejected because it was felt that certain amendments were necessary. The Upper House suggested a conference between the two houses to consider these amendments (pp. 223-224); but the Lower House refused to enter into a conference at this stage, and suggested that the upper chamber first submit its proposed amendments in writing (p. 308). On October 18 the Upper House transmitted a long list of these proposed amendments (pp. 228-231), which the Lower House took up seriatim. Some of these which were unimportant and related to administrative details were objected to by the lower chamber as causing unnecessary trouble and expense to the small planter, and were not insisted upon by the Upper House. More strenuous objection was made, however, to what the Lower House thought was the desire of the upper chamber to have all Provincial administrative costs and officers' fees, chargeable against the public, made payable on the basis of pounds sterling instead of in pounds current, as provided for in the act about to expire, the Lower House declaring that there was hardly enough sterling in circulation to pay the Proprietary's quit-rents (pp. 333-338). The Upper House replied on August 28 that when it had changed "currency" to "sterling" throughout the bill, it was only with the intention to rate "dollars" at four shillings sixpence each, and to thus make them equivalent to sixty pounds of tobacco (i.e., nine-tenths of a penny a pound) in payment of officers' fees, and the poll tax of thirty pounds of tobacco for the support of the clergy. It should be explained that this new bill reduced the clergy poll tax from forty pounds of tobacco under the expiring act to thirty pounds under the new (pp. 238-240). The market value of tobacco at this date was in general rated as equivalent to a penny a pound.

The Lower House countered in a message, dated October 31, in which it strenuously objected to doing away with the alternate method of payment permitted in the bill about to expire, declaring that payment only in sterling would soon drain away from the Province all coins now in circulation, both English and foreign (pp. 348-350). To this the Upper House replied that the Lower House misunderstood the tenor of its amendment, as it was intended under it that either gold, "dollars", or tobacco might be used for payments, the bill merely fixing the value of "dollars" at four shillings sixpence and equivalent to 60 pounds of tobacco. It added that the Governor had been enjoined by the Crown to strictly obey the statute of 6 Anne fixing the value of foreign coins, and had been ordered not to give his consent to any "new bill which should rate the species of coin mentioned in the statute . . . . higher than they are by that statute rated in currency" (pp. 246-247, 250-251). The Lower House immediately sent a message to the Governor asking him to communicate to it any instructions he had received from the Crown as to the regulation of money ratios (pp. 356-357). The Governor replied that since he had in 1758 assented to the continuance of the Tobacco Inspection act now about to expire, he had been repeatedly ordered by the Crown never to do so again, as the act violated the statute of Parliament (pp. 357-358). On November 8, the Lower House in a message to the upper chamber declared that its strictures, contained in a former message, upon the exactions of certain officers in enforcing the Inspection law were justified, and reaffirmed that the money ratios established by the English statute would result in hardship to many (pp. 360-362). At the suggestion of the Upper House a conference between the two houses followed, the ratios of the value of foreign coins in terms of tobacco as established by the English statute was finally agreed upon, and concessions were made to the Lower House as to sundry administrative details (pp. 250-251, 365-368). It was then thought desirable that further attempts to continue the old act as such be abandoned, and after several votes were taken in the Lower House, it was ordered that an entirely new Tobacco Inspection act be drawn up along the lines agreed upon at the conference between the two houses (p. 368), and the bill as redrawn was promptly passed by both houses. The Lower House had made the best of necessity. The act is a very lengthy one covering some sixty-four printed pages of this volume (pp. 433-497). It is much too long to summarize here. To the official manuscript law as it is inscribed in Liber H. S. no. I, have been added in brackets the marginal notes as they appear in the *Session Laws of 1763*, printed by Jonas Green. The arrangement in columns of the fees to be charged by public officials also follows that used by Green (pp. 472-480). It was to continue in force until December 1766, a period of three years.

LOAN OFFICE

Each house of the Assembly, as was usual, appointed at the 1762 session members to serve on a joint committee to inspect the accounts and proceedings of the commissioners of the "Loan Office", as it was popularly called, but which was officially designated by the Upper House as the "Paper Currency Office", and by the Lower House as the "office of the Commissioners or Trustees for Emitting Bills of Credit". The commissioners of the Loan Office at this date were Charles Hammond, who was also a member of the Upper House, Dr. George Steuart of Annapolis, and John Bullen of Annapolis. On this joint committee, of which Robert Coudon was clerk, there was one representative from the Upper House, Samuel Chamberlaine, who was chosen Chairman, and ten representatives from the Lower House. On April 17, 1762, the committee finally brought in its first report showing that the members of the committee had cancelled, by burning and destroying, paper money which had accumulated in the sinking fund, amounting to £21,320 : 9 : 6, part of the issue under the act of 1756 for granting a Supply of £40,000 (pp. 9, 10-11, 29).

Again on April 24 the committee brought in a lengthy report which was virtually an audit of all the accounts on the Loan Office. As noted in a former volume, as a result of the prolonged illness and subsequent death of Richard Dorsey, clerk of the Commissioners of the Loan Office, and the resulting confused condition of his books and accounts, no satisfactory audit of that office had been made by a joint Assembly committee between the years 1758 and 1760 (pp. 46-55). It will be recalled that an examination of the office made at the April–May, 1761, session had revealed the sensational defalcation of more than £2,000 by Henry Darnall, Naval Officer of the Patuxent District, and that an acrimonious controversy had arisen between Governor Sharpe and the Assembly as to the responsibility for this theft of Provincial funds (*Arch. Md.* LVI; lv-lviii).

The report of the joint committee to the 1762 Assembly on the affairs of the Loan Office was an exhaustive one. The details need not be entered into here, but will prove of interest to the student of eighteenth century colonial financial affairs. Separate accounts seem to have been kept for the two strong boxes known as Iron Chest Number 1 and Iron Chest Number 2. It may be noted that one of these chests, but whether Number 1 or Number 2, is uncertain, is now a treasured possession of the Maryland Historical Society. The accounts show monies paid to, or still due to, the Loan Office by various county clerks, sheriffs, naval officers, collectors of excise and other officials for licenses, fines, or duties on Madeira wines, indentured servants, negro slaves, wheel chairs, bachelors, and various other taxable items. The accounts of the Office also revealed unexpended balances of appropriations under former acts for the Cuba expedition, the Canada expedition, and for other military purposes, under various Supply bills for His Majesty's Service.

Monies paid into the Loan Office and held in the sinking funds were invested in part in loans secured by land. An interesting list is that of the landholders who were in this way indebted to the Province upon mortgages. There are one hundred and thirty-five such loans listed, and under each of these loans will be found the name of the mortgagor, the names of his securities, the principal sum borrowed, and the interest due. A few rather prominent men appear as borrowers, and very many of the leading men of the Province as securities. The principal of these loans as shown by this list amounted to about

£10,000. The loans ranged from twenty pounds to one hundred pounds, only one being for more than the latter amount. It is of interest that this largest loan, one for £114:8:4, had been made by Jonas Green, with three of the most prominent men in the Province as his securities, Daniel Dulany, George Plater, and Edmund Jennings, and that there was £76:10:0 interest due by him. Why Jonas Green was so deeply in debt is revealed when we learn from these Assembly proceedings that his pay as public printer was several years in arrears. His petition for redress and the act of the Assembly for his "encouragement" are discussed elsewhere in this introduction (p. lxxii). This list of loans secured by mortgages shows that the back interest due on many of them was excessive, and in a few instances was actually greater than the amount of the loan. The total interest due amounted to £2,225, some twenty-two per cent of the total principal of the loans. The committee commented on this list of loans saying that it was furnished "to give the Honourable Houses an opportunity of Judging of the Solvency of the Several Persons and their Securities . . . . and how far the commissioners have Complyed with the Directions of the Acts relative to their duties". This was an obvious slap at the Commissioners of the Loan Office for allowing back interest to accumulate to the extent of twenty-two per cent of the principal. Lists were also furnished of the sheriffs of certain counties, the country clerks, and the collectors of the excise who had failed to make returns for the past few years for taxes that were due to them on various taxable items (pp. 46-55, 171).

In addition to the report of the joint committee of the two houses upon the affairs of the Loan Office, of which a brief synopsis had just been given, an address to the Governor, dated April 20, 1762, prepared by a committee of the Lower House consisting of Thomas Ringgold, Walter Dulany, and William Hayward, was adopted and presented to the Governor. In this address it was pointed out that many officers appointed under the £6,000 Supply act of 1754 and the £40,000 Supply act of 1756 had been remiss in their duties and that effective means should be taken to insure speedy payment of their deficiencies; that there had been a very unequal collection of excise in the different counties, and that the collectors should be forced to more action; and that steps should be taken to recover sundry arrearages in the collection of licenses from ordinaries due from former sheriffs, some of whom were now dead (p. 172).

On April 24, 1762, Sharpe wrote the Commissioners of the Loan Office directing them to have printed in the next two *Gazettes* a notice to all those who owed more than one year's interest on money on loan, and that if the back interest were not paid before July 1, next, they were to be put in suit. In the Appendix will be found a list, possibly only fragmentary, addressed to Governor Sharpe, doubtless by the Loan Office, of mortgage bonds which had been delivered on September 1, 1762, to Reverdy Ghiselin, clerk of the Provincial Court, to be put in suit. This list gives the names of the principals and their securities, and the amount of "principal money" due in each case. These debtors were ten in number. In addition there are similarily listed five debtors against whom on August 13, 1763, Ghiselin was ordered to renew suits on bonds (pp. 576-577). The Commissioners were ordered by advertisement in the

Gazette to notify all sheriffs and others who were indebted to the Loan Office for taxes or duties which ought to have been collected before March 25 last, that if balances due from them were not paid by July 15, they would be sued (*Arch. Md.* XIV; 59).

At the 1763 session the Lower House appointed ten of its members to serve on the joint committee of both houses to inspect the accounts and proceedings of the Loan Office. Walter Dulany's name headed the list of Lower House representatives and Benedict Calvert, who represented the Upper House, was made chairman of the committee (pp. 223, 296). This committee submitted a lengthy report on November 24. This report separates the accounts of Iron Chest Number 1 and Iron Chest Number 2. Number 1 as of November, 1763, contained £21,481 : 5 : 0¾. The paper money in this chest had not been actually counted because of the illness of Colonel Charles Hammond, one of the commissioners of the Loan Office. There was still £686 : 14 : 6 owing to the sinking fund under the acts of 1746 for His Majesty's Service for the Canada Expedition; and £6,475 : 16 : 8¼ principal and £817 : 14 : 11¾ interest was due to the Office on funds loaned on mortgages on land, showing a considerable reduction in the loans and interest described more fully in the report on the condition of the Loan Office for 1762. Then follows the list of sheriffs who were indebted to the Office for money collected on ordinary licenses, but not yet paid over by them to the Loan Office. In Iron Chest Number 2 the committee destroyed £10,573 : 16 : 6 additional paper money accumulated in the sinking fund to further extinguish the currency issued under the £40,000 Supply bill of 1756. The destruction of this paper money left a balance in this Chest of £3,109 : 18 : 10 (pp. 271, 276).

The accounts of the trustees in London, appointed under the terms of the £90,000 Paper Currency Act of 1733, dated April 29, 1762, showed that there was belonging to the Province in the hands of these trustees Capital Stock of the Bank of England of £35,000 par value, which had cost £44,495 : 12 : 6, and an uninvested balance of £230 : 7 : 2. There then follows a long list of delinquent sheriffs, collectors of excise, collectors of the land tax, and county clerks in the various counties, who have failed to pay into the Loan Office taxes due on bachelors, wheel carriages, billiard tables, ordinary licenses, land taxes, and excise taxes, for 1763 and previous years (pp. 271, 275).

In a separate report made a short time later the committee went further into the condition of the sinking funds securing the issue of this £90,000 of paper money, and of the £40,000 Supply bill of 1756. The paper money act of 1733 provided that the export tax on tobacco shipped out of the Province be sent by the naval officers who collected it to the trustees in London, to be invested by them in Bank of England stock. The report showed this fund to be in satisfactory condition, and that the income from the Bank of England stock yielded interest of £1,600 per annum. The report also showed that there were various other funds in the Loan Office at Annapolis to the account of other sinking funds. A report was also made on the condition of the sinking fund set aside under the £40,000 Supply bill of 1756, showing that this sinking fund was now overpaid. The report also noted that no accounts had been received from the treasurers of the two shores, although the increased number of negro slaves which have been imported into the Province in the last few years indicated that a considerable amount had been received by them for duties on these which had not yet been accounted for (pp. 312-313).

JOURNAL OF ACCOUNTS

The Journal of Accounts met the same fate at the 1762 session as had befallen it at every session since the year 1756. What was known as the Journal of Accounts was the appropriation bill for the ordinary expenses of government. It originated in the Lower House but of course had to receive favorable action in the other chamber and be approved by the Governor. Last agreed upon as a compromise measure at the February–May, 1756, session, as a result of the differences between the two houses no journal had been passed at the eleven sessions held since then, and the creditors of the Province were becoming more and more vocal and angry. Some of the hotly disputed points at these sessions had been the salaries of John Ross as Clerk of the Council and as the Clerk of the Court of Appeals, which the Lower House had refused to include on the ground that these salaries were chargeable to the Lord Proprietary and not to the public. Ross' salary as Clerk of the Council was now in arrears seven years and amounted to sixty-seven thousand, two hundred pounds of tobacco (pp. 352-353). The Lower House also refused an allowance for the repairs to the Council House on the same grounds, that these expenses should be directly chargeable to the Proprietary and not to the public. Nor would it include the pay of the militia called out by the Governor in 1757 and 1758 and sent to the defense of the frontier, claiming that as this had been done by the Governor without the authority of the Assembly, it must be provided for in the Supply or Assessment bill, and not in the Journal of Accounts as one of the ordinary expenses of the government, as provided for in the militia law. The Upper House at the April–May, 1761, session in retaliation had even refused to consider the Journal as made up in the lower chamber unless all the original accounts, bills, and vouchers were exhibited for its inspection (*Arch. Md.* LVI; xlviii-xlix).

The Journal of Accounts was first brought up at the 1762 session in the Lower House on April 1, when it was voted that the Committee on Accounts close it on April 6; and on April 23, it was considered, assented to, and sent to the Upper House. It was brought to the upper chamber by John Goldsborough, where it was promptly read, and on the same day dissented to (pp. 103, 154, 38). The proceedings of neither house make any comment upon its contents nor the reasons for its rejection. It was, however, obvious to all, from what had occurred at recent sessions, why it was rejected. Unfortunately no copies of these journals of accounts are to be found among the state archives.

At the 1763 session, the Committee on Accounts was ordered, April 13, to report to the Lower House the amount of the claims of the public then before them. Turbutt Wright, the clerk of the committee, filed a report for it stating that the previous report showed that the Province owed as of 1762 a total of £8,672: 12: 7¼ and 4,009,951¾ pounds of tobacco, to which there should be now added as due £4,374: 3: 12 and 23,622 pounds of tobacco, making a total debt due to the public by the Province in 1763 of £13,046: 16: 1 and 4,033,573¾ pounds of tobacco, which figures, however, did not include all the pay due to the members of both houses of the Assembly for their attendance at this and the last sessions, and certain disputed back pay due to the militia for 1757 and 1758 (pp. 311-312). The Journal of Accounts was then ordered by the Lower House to be closed on November 1 (p. 340). The item in the Journal for the expenses of the militia sent by the Governor for the defense of the frontiers in 1757 and 1758, about which for several years there had been a dispute, was, by a Lower House vote of twenty-two to eighteen, ordered out of the Journal of Accounts, and a committee was instructed to bring in a separate bill for its payment (pp. 335, 356). Such a bill was introduced and passed by the Lower House, but was promptly rejected by the Upper House on the grounds that the militia should not be given preferential treatment over other creditors, and that under the Militia Act now in force it was provided that the militia be paid out of the public levy (pp. 335, 356, 392). The Journal of Accounts (without the militia item) was passed by the Lower House on November 21, and sent to the upper chamber (pp. 389, 390). The Upper House on November 23 returned it with a message that it would not pass the Journal unless it included pay for the militia and for the salary of the Clerk of the Council, and such other items that a further examination might disclose should be included; and that all vouchers must be exhibited (p. 394). The Lower House on November 25 replied in a long message, devoted in great part to the reasons why it would not consent to pay the Council Clerk, John Ross, out of public funds. It was willing to pay him for his duties as Clerk of the Upper House but not as Clerk of the Council, which, it said, should be paid by the Proprietary. The Lower House also rejected the Governor's suggestion that the public creditors be paid by a poll tax, when there were balances in the various sinking funds sufficient for the purpose (pp. 352-353, 408-409). On the last day of the session an even longer message from the Upper House, dated November 26, went into a lengthy history of the dispute between the two houses, especially in the matter of the salary of the Clerk of the Council, to which the interested reader is referred; and denied that it was the peculiar privilege of the Lower House to determine who were the public creditors (pp. 283-286). But the Upper House was not to have the last say, for just as the session was expiring, the Lower House sent a message reasserting its pretensions on this and various other points in dispute (pp. 413-415). Again the public creditors were disappointed, and were to wait until 1766 for the payment of debts due them.

ROMAN CATHOLICS

The Roman Catholic question, while smouldering, did not come to the surface in Assembly affairs during the March–April, 1762, session. It was not mentioned in the journals of either house when the Supply or Assessment bill was under consideration, except when a motion was made in the Lower House that an alteration be made in the oath to be taken by Papists and non-jurors provided in the bill, almost all the Proprietary delegates voted to do away with these restrictive oaths (pp. 111-112). It is also to be noted that the 1762 Supply bill, like its predecessors, imposed a double land tax on all Roman Catholics (pp. 553, 559, 561). There is also good reason to believe that a bill, no copy of which has been preserved, with the innocuous title "an act for the security of the public records and papers", passed by the Lower House at the 1762 session, but allowed to die in the Upper House, was an anti-Catholic measure (pp. 154, 38), because at the 1763 session the title of a bill openly directed against Catholic clerks in public offices, recited that its purpose was "for the better securing of the public records" (pp. 320, 362, 374, 389-390).

The injustices suffered by alien, or unnaturalized landholders, especially if they were Roman Catholics, have already been discussed by the editor in a preceding volume of the *Archives*. It will be recalled that at the March–April, 1761, session, the Upper House had thought to ameliorate the plight of Catholic landholders by passing a naturalization bill to quiet the titles of alien landholders, Protestant and Catholic, by granting naturalization to those who took the prescribed oaths of abjuration and the declaration of fidelity to the Protestant Hanoverian line. But the bill was amended in the Lower House to apply only to Protestant landholders. The Upper House refused to accept this amendment, and the bill failed of passage (*Arch. Md.* LVI; lxiii-lxvi). At the 1763 session a bill was passed in the Lower House "for the security of purchasers and others being Protestant claiming by or from Aliens". The title indicates that it discriminated against Catholics, but as no copy of it is now known to exist, the extent of this discrimination can only be guessed at. It was rejected by the Upper House which did not state its reasons for so doing (pp. 304, 305, 354, 248, 259, 375).

Another Lower House bill, probably sponsored by Colonel Edward Tilghman, "to oblige persons who officiate as clerks or writers in the public offices to take the oaths to the government, and for the better securing of the public records", was apparently aimed at Roman Catholics serving as clerks in these offices. The laws of both Maryland and Great Britain forbade Catholics from holding public office, but this bill was obviously aimed to get rid of suspected Catholics in clerical positions, as no conscientious Catholic would be willing to take oaths which denied the spiritual authority of the Pope and belief in the transubstantiation of the sacrament. Again without assigning any reason for so doing, the Upper House promptly rejected this bill (pp. 320, 362, 374, 389-390). Another anti-Catholic bill, also sponsored by Colonel Tilghman, met the same fate in the Upper House as did his bill directed against clerks in public offices suspected of Catholicism. This was the Lower House bill, passed November 19, 1763, "for preventing the importation of German and French papists and popish priests and Jesuits into this Province by way of Pennsylvania or . . . . Delaware". This bill was also rejected by the Upper House without explanation, although there may have been other features of the bill directed at the prerogative of the Proprietary, which played a part in its rejection (pp. 321, 370, 382, 389).

LICENSES FROM ORDINARIES

The dispute as to whether license fees from ordinaries or public houses, belonged to the public or to the Lord Proprietary, was one which extended back to the year 1692—nearly three quarters of a century. Since the restoration of the Province to the Calverts in 1715, the Proprietary had claimed these licenses as his own under his prerogative, and the Lower House had claimed them as belonging to the public. At the time of the Third Inter-colonial war, and again during the Fourth Inter-colonial or Seven Years' War, the Proprietary had been reluctantly forced by public opinion to "acquiesce" in their being pledged under several acts of the Assembly to restore the sinking funds of loans, set up under various Supply acts for His Majesty's Service, although he reasserted in each instance his assumed rights to the licenses. These were the £5,000 Supply act of 1740 for the Carthagena Expedition, the two Supply acts of 1746 for the Canada Expedition, the £6,000 Supply act of 1754, and the £40,000 Supply act of 1756. And again in 1760, the sinking fund provisions of some of these acts were continued by the Assembly for three years longer, the ordinary licenses collected under them to be used to lighten certain onerous taxes on landowners. The discussions and controversies which these acts evoked, in as far as they related to the use of ordinary licenses, have been discussed in the introductions to former volumes of the *Archives* (LII, ix-x; LIV, liii; LVI, lxvii-lxviii).

When the 1761 session of the Assembly met, it was obvious that the fees from ordinary licenses would more than meet the requirements of the sinking funds under the various Supply acts, and the Lower House at once made a determined effort to have this license money again dedicated to the use of the public. A "proposal" was favorably considered in the Lower House, under which the license money was to be used towards the support of a college at Annapolis, but the Assembly adjourned before definite action could be taken upon it (*Arch. Md.* LVI; lxvii-lxviii).

At the 1762 session, the disposition of ordinary licenses came before the Assembly in two ways. The Lower House first passed a bill regulating ordinaries and ordinary licenses. This bill embodied an effort to continue the provisions relating to these licenses contained in the acts of 1757, in so far as the latter act supplemented the provisions of the Service act of 1746. When the bill reached the Upper House no notice was taken of it and it was allowed to die (pp. 35-36, 151). The disposition of these licenses then promptly came up in another guise in the Lower House. The Upper House had just rejected the Supply, or Assessment bill, for His Majesty's Service which made provision for maintaining a force of three hundred Provincial militia and for providing eighty-four recruits for the regular British regiments, the funds for this purpose to be raised by taxes on incomes and on the assessed value of personal property and land including the landholdings of the Proprietary. Immediately after the Supply Bill had been rejected in the Upper House the question was brought up in the Lower House as to whether a bill should be introduced to continue the imposition of the license fees on ordinaries provided for under the £40,000 Supply Act of 1756, now about to expire, and to use the money to repay a loan of £10,520: 5: 3 which it was proposed to make for the support of the three hundred Provincial militia and the eight-four recruits for the regular forces. A motion to introduce a bill along these lines was voted down by the popular party, by a vote of 24 to 22, all the Proprietary members present voting in the affirmative (pp. 146-147). No further attempt was made at this session by the Lower House to appropriate these ordinary license fees for public purposes.

At the October–November, 1763, session the use of ordinary licenses was again brought up. The bill for the support of a college at Annapolis, which was brought forward at the 1763 session, appropriating these licenses towards maintaining the college, was passed on October 28, 1763, by the Lower House by the close vote of 21 to 19, a few members of the Proprietary Party, among others Walter Dulany, voting for it, and it was sent to the Upper House (pp. 344-345). It was estimated by the committee which drew up the bill that the ordinary licenses would produce about £600 annually. In the Upper House no action whatever was taken upon it, this house alleging after it had had possession of the bill for some three weeks, that it did not have time at this session to properly consider such an important question, but not intimating that the real reason for its opposition to the bill was because of the inclusion of the license fees for the support of the college. Numerous acrimonious messages then passed between the two houses, the Lower House declaring that the upper chamber did not have the courage to tell the people the true reason for its opposition. The Lower House then made an effort to have the bill published together with the messages which had passed between the two houses, and when the Upper House refused to return the original bill, the Lower House indignantly proclaimed that the upper chamber feared the effect upon the public which its publication would produce (pp. 388-389, 402-404).

As soon as the Lower House saw that the upper chamber was unwilling to take any action upon the college bill it sought to put the latter body in an even worse position with the public in regard to the use of ordinary licenses by passing a bill for the defense of the frontiers against the renewed Indian depredations, which appropriated this license money to defray the expenses of the defense, in the hope that public opinion might force the Upper House to accept it (p. 396). This bill provided for the raising of a company of rangers to defend the outlying settlements. The Upper House rejected the bill, declaring in a message to the Lower House that while approving the purposes of the bill, it felt that the money should first be taken from various unappropriated balances in the Loan Office, and only in the event that these balances were not sufficient, should ordinary licenses be called upon to supply the deficiency, and that it would approve a bill drawn up along these lines (pp. 277-278). In the Lower House Edmund Key, an active supporter of the Proprietary Party, offered a motion for thus raising the money required, but it was voted down 28 to 4 (p. 410). The Lower House in a message to the supper chamber indignantly rejected the suggestion of the Upper House, declaring that it was made in bad faith, as that body knew that the balances in the Loan Office were more than sufficient to pay all the expenses of the rangers, and that no license money would be required to make up a deficiency. It dared the Upper House to tell the public that the true reason for its unwillingness to use the licenses for defense was to guard the pretended prerogative of the Proprietary, and to confess that it was willing to sacrifice the frontier inhabitants to do so (pp. 407-408, 410, 411-412). On the last day of the session, Nov. 26, 1763, the Lower House directed a committee to draw up a bill for the regulation of ordinaries, the terms of which the journals do not disclose. This bill was promptly passed by special order and sent to the Upper House where no notice whatever was taken of it (pp. 410, 413, 286). It was not until the year 1766 that the Proprietary was finally forced to give up his claims to the license money from ordinaries.

ARMS AND AMMUNITION

The committee appointed by the Lower House in 1762 "to inspect into the state and Condition of the Arms and Ammunition" of the Province, reported under date of April 13. It is of interest that the report was brought in by William Smallwood, a delegate from Charles County, whose rear guard tactics when in command of the Maryland troops fourteen years later at the Battle of Long Island appears to have saved Washington and the Continental Army from capture by the British under General Howe. To students of eighteenth century armament, ammunition, and equipment, the itemized inventory of what was in the hands of the Provincial Armourer in the year 1762 will prove of considerable value. Those interested in the Annapolis of that day will learn that in the Council Chamber were stored muskets, carbines, pistols, swords, halberds, pikes, daggers, bayonets, and drums; that under the Conference Chamber were musket balls, bar lead, and gun flints; and that fine glazed powder, cannon powder, and carbine ball were stored in the powder house. The committee also reported that the fifteen cannon fixed on wood at the Half-Moon Battery needed new aprons, tompkins, and that all were sadly in need of painting (pp. 122-124).

At the 1763 session a committee of five headed by Benjamin Mackall was appointed by the Lower House to inspect and report upon the condition of the arms and ammunition belonging to the Province. This report, dated October 24, 1763, follows the same general line as that presented at the previous session. The report shows that the fifteen cannon on the Half-Moon Battery seemed to need paint even more than they did the year before, and would be "even dangerous to fire". Other old cannon noted in former reports as lying on the point had by this time disappeared. The several hundred muskets, guns, carbines and bayonets that had been recently brought back from Fort Frederick were much eaten by rust and were further deteriorating, as they were stored in the very damp cellar under the Conference Chamber. A comparison between the quantity of arms and ammunition for the years 1762 and 1763 was given, and showed a marked deficiency for the latter year. The report concluded with the statement that it "appears to your committee that the present Armourer is and we imagine from his Infirmity will continue incapable of taking due care of the Arms, many of which unless immediately cleaned and repaired will be rendered useless to the Province" (pp. 395, 340-342). The Armourer was Henry Walls, who had apparently held that office since the retirement of Onorio Razolini in 1748, when Walls had been appointed at a salary of £35 a year (*Arch. Md.* XXVIII; 464). On November 15, when this report was read to the Lower House a second time, it was ordered that an address to the Governor be prepared (p. 373). This address called the Governor's attention to the condition and deficiency of the arms and ammunition, and the incapacity of the Armourer to perform his duty. The house asked the Governor to remove him and to require an accounting, and to appoint a suitable successor. It closed with the reminder that as the powder delivered on the Governor's order to private gentlemen was presumably done so that it could be replaced later with newer powder, the Governor was requested that this replacement be promptly effected (pp. 390, 391). The Governor replied that he well knew that the arms returned from Fort Frederick were in bad condition but that he could not insist upon the Armourer being put to further expense since there was already a considerable sum due him for his salary and that there was no assurance that the Assembly would ever reimburse him. This was, of course, a knock at the Lower House for its failure for several years to pass the Journal of Accounts which carried the Armourer's salary. The Governor added that if Mr. Walls was paid he would see to it that the work was done, or that if he had issued ammunition without orders he would supersede him, although his present bad state of health rendered him an object of pity, and allowance should be made for any small failures on his part. He concluded by saying that he would like to have copies of these reports of the Lower House committee, as for many years none had been entered on its [printed] Journal (p. 395). It would appear that Sharpe had decidedly the better of this controversy with the Lower House.

INDIAN AFFAIRS

Indian affairs for the last year or two of the Seven Years' War as far as Maryland was concerned had been quiescent, but with the conclusion of the peace and the cession of Canada by France to Great Britain, the northwestern Indians under Pontiac made a final effort in 1763-1764 to throw off the yoke of the whites. Possibly as a reflection of this outbreak, Indian depredations, involving the heretofore friendly Six Nations, now at war with the southern Indians, began to occur along the western frontiers of the central colonies, so that when the Assembly met at the October–November, 1763, session, the settlers on the frontier of Maryland were again in a state of panic. On October 15, 1763, Sharpe sent a message to both houses transmitting with it a letter from Sir Jeffrey Amherst, the British Commander-in-Chief, urging that all measures be taken to put a stop to every kind of trade between the Province and the Indians, as they could not continue hostilities much longer if their supplies were cut off; and he added that he suspected "there are people mad Enough for the sake of gain that would Venture . . . . to Carry Supplies to the Indians" (pp. 226, 317).

On November 5, 1763, Sharpe sent a message to the Lower House that "Mr. Cresap [Colonel Thomas Cresap], one of your members for Frederick County, having represented to me Since the last Session of Assembly [1762] & before the Indians recommenced hostilities against these Colonies, that parties of the Six Nations who were then considered as Friends, frequently called at his house on their Excursions to the southward, & insisted upon his Supplying them with Provisions & other Necessaries". The Governor with the advice of his Council recommended Cresap to continue furnishing these Indians with supplies of food to prevent them from committing depredation on the frontier inhabitants, and encouraged him to believe that he would receive satisfaction from the next Assembly. Sharpe now asked that the Lower House take measures to reimburse Cresap for his expenditures (p. 359), but he was not reimbursed at this session.

Again some two weeks later, on November 19, the Governor sent a message to the Lower House saying that the night before he had received letters by express from a member of that house (doubtless Colonel Cresap) and others living on the western frontier of Frederick County, saying that there had lately been an incursion of a party of Indians which had done some mischief at a place called the Cove; that this had caused the greatest consternation on the frontier; and that unless an armed force were sent to the relief of the settlers, there was great reason to believe that they would desert their habitations, and that the frontier would again become the scene of distress and desolation (p. 380). The house promptly replied that it was heartily desirous of relieving the back inhabitants, and thought that as the license fees from ordinaries or public-houses were not to be used for the establishment of a college, they should be used to relieve these distressed people now calling for assistance. The Lower House bill which applied the licenses from ordinaries for the support of a college had just been refused consideration in the upper chamber, and the Lower House thereupon, on the motion of Colonel Edward Tilghman, ordered a bill brought in for the regulation of ordinaries under which the licenses would be applied to the defense of the frontier inhabitants against the Indians. This bill was passed by the Lower House and rejected in the upper chamber, and with the rejected bill the Upper House sent a message to the Lower House, dated November 24, expressing its sincere desire to protect the inhabitants of the frontier, but urging that certain unexpended balances now accumulated in the Loan Office from the £40,000 Supply bill of 1756 be used for this purpose. The Upper House suggested, as a gesture of compromise, that should these balances not be sufficient the licenses from ordinaries be used to make up any deficiencies. By a vote of twenty-nine to four, most of the members of the Proprietary party voting with the Popular majority, the Lower House refused to consider this proposal. Notwithstanding this vote, on the following day a motion was made by Edmund Key, a Proprietary follower, that a bill be brought in to support a force of fifty rangers to be paid out of balances in the Loan Office, but this was defeated by a vote of twenty-eight to four (pp. 385, 393, 397, 277-278, 407-408, 410). On the last day of the session, November 26, the controversy was closed when the

Lower House sent a message to the upper chamber taking them severely to task for not defraying the cost of the defense of the frontier with the license money from ordinaries. The house declared that the suggestion of the upper chamber, that balances in the Loan Office be first used for this purpose, and if these were insufficient that the money from ordinary licenses be then employed to make up the deficit, was not made in good faith as the Upper House well knew that the funds now in the Loan Office were more than sufficient to meet the costs of frontier defense. It concluded by saying that the Upper House had shown its willingness to sacrifice the frontier inhabitants in order to support a pretended prerogative of the Proprietary, and also its indifference to the necessary regulation of public-houses, in the hope that at some later date the Lower House would be forced to consent to the passage of a bill turning the ordinary licenses over to the Proprietary (pp. 411-412).

A bill to put a stop to trade with the Indians was brought into the Lower House at the 1763 session and passed unanimously. After amendments were added in the Upper House it became a law. Under the terms of this act [*No. II*] not only was trade with enemy Indians prohibited under severe penalties, but selling or giving supplies to friendly Indians of more than one pound of gunpowder and six pounds of lead was prohibited (pp. 232, 328, 419-420). At the same time another act [*No. I*] was passed providing for the payment of a bounty of £50 for every Indian enemy prisoner or enemy scalp. The preamble recited that the reasons for the passage of this act was that "in July last a party of Indians Came to Col. Thomas Cresap's of Frederick County in a War like Manner to Attack the said House and family", where at the time were assembled the seven men named in the preamble of the act, among whom were Daniel Cresap and Michael Cresap, who met the Indians in a field about a hundred yards from the house and were fortunate in killing one and routing the others. The preamble further declared that a certain Virginian, James Davis living on the Potomac, together with a number of other men, followed a party of Indians who were carrying away a settler, James Ciniston, and his wife, overtook them on August 11, at George's Creek in Maryland, and rescued the two captives and killed one of the Indians. The act authorized the payment of £50 for the scalp of the Indian killed at Colonel Cresap's, and a like amount for the scalp of the one killed at George's Creek (pp. 417, 419). A third act, one about to expire, was continued for preventing Indians disaffected to the British interests in American from coming into this Province as spies or with any other evil design [*No. VI*] (pp. 422, 423).

JONAS GREEN, THE PUBLIC PRINTER

Jonas Green, the public printer, received shabby treatment at the hands of the Assembly. The story of his difficulties is a chapter in the history of eighteenth century printing in the American colonies. Payments to Green for printing the successive session laws and the Votes and Proceedings of the Lower House, and other public documents were long overdue when the Assembly met in 1762. On April 6, a petition from him to the Governor and both houses praying relief was read in the Upper House, and referred by that chamber to the Lower House (p. 20, 107). While unfortunately very few of the petitions of this period to the Assembly have been preserved, luckily Green put his into print, and one copy of this in the form of a broadside has been preserved, and is to be found among the Calvert papers (No. 672) in the Maryland Historical Society. It will be found reprinted in the Appendix of this volume (pp. 578-579). This petition declared that he had served as public printer for twenty-four years having been induced to come to Maryland by promises of public encouragement and continued employment, but that the unhappy divisions between the several branches of the legislature had disappointed his reasonable expectations; that the cutting off of £5 of his salary from each county [totalling £70] in the years when there was no Assembly, and this without reward for extra work and paper for extra sessions which have occurred year after year, together with no allowance whatever for the last year, were difficulties too heavy for him to continue to labor under. In closing he referred to a printed letter already submitted to the Governor and Assembly in which he had set forth many particulars with strict truth too prolix to repeat in this petition, and craved compassionate consideration and relief agreeable to his deserts. It may be added that no copy of this printed letter is known to be now in existence.

After the petition of Green reached the Lower House, a committee of six, of which Walter Dulany was chairman, was ordered to make enquiry as to the facts set forth in it (p. 115). This committee on April 13 brought in an exhaustive report on Green's activities as public printer from the year 1738 to 1762. The report shows that in 1738 and 1739 he received a salary or allowance of £180 yearly, although payments to him at that early period were often long delayed. The allowance to him a few years later was based upon a law imposing a tax of £15 on each of the fourteen counties, and payable by them to the printer. In 1748 this tax was raised to £20. Under subsequent acts payments at first were provided for in the Journal of Accounts, and later by special acts of the Assembly. If no session were held in any year, he was in that year to receive only £15 instead of £20 from each county. An act passed at the February, 1756, session no longer provided that a fixed equal amount be paid by each county, but the levy for this purpose in the several counties was to be based upon the number of taxables in each. In 1759, a year when there was no session, the total amount that was paid to him was £210. In many years there were two or more sessions, with resulting voluminous laws and journals in such periods, but in these years he received the same allowance as he would have received if there had been only one session. The committee reported that beginning with the May, 1747, session, there had been, including the so-called "conventions" of the Assembly when no laws were passed, twenty-eight meetings in fifteen years, or an average of nearly two sessions a year. Nor had any payments whatever been made to Green for the public printing in the year 1760. It is not therefore surprising that Green was in dire straits and appears as the largest debtor to the Loan Office, to the amount of £191 : 6 : 4, principal and interest, in the year 1762 (p. 54).

The report concludes as follows: "That the said Jonas Green hath at several Times Printed long Bills, Records and Papers, inserted in the Journals and Proceedings of the Lower House of Assembly, too numerous to particularize, for which he has not received, as your Committee can find, any Reward more than his yearly Allowance, tho' the Votes and Proceedings have been swelled to a great Size, by the Insertion of such Bills and other Matters" (pp. 119-120). On April 19, 1762, the Lower House ordered a committee consisting of Hall, Johnson, and Graham, to bring in a bill "for the encouragement of Jonas Green of the City of Annapolis, Printer" (p. 145). A day or two later the Lower House ordered Green to print the rejected Assessment bill together with the messages thereon, a specified number of copies to be given by the printer to the Governor, to each member of both houses, and to the clerks of the several counties (p. 148), and to print in the next week's *Maryland Gazette* the address of the Lower House to the Governor, adopted April 17, in reply to the Governor's message of March 10 (p. 150). This Assessment bill and the accompanying messages cover 48 printed pages of this volume (pp. 523-571). A bill entitled, "For the Speedy and Effectual Publication of the Laws of this Province and for the Encouragement of Jonas Green", etc., was then introduced and promptly passed by both houses (pp. 35, 150). Green did indeed need substantial "encouragement". The terms of this bill are of interest to students of American colonial printing. Green was required to live in Annapolis, and if he died or left the Province, the act was to become null and void. He was to print with marginal notes, and bind in a way provided for in the act, the laws passed at each session of the Assembly, and also the Votes and Proceedings of the Lower House, copies of these to be given to the Governor and members of both houses, to the judges and clerks of the several Provincial and county courts; and three copies of the Votes and Proceedings were to be kept by the county clerks for the perusal of the inhabitants, obviously for propaganda purposes on behalf of the Popular party in the Lower House. The Assessment bill ordered printed had just been rejected for the ninth time by the upper chamber. He was to be paid annually by each county a sum fixed in the act, this varying in amount from £30 payable by Baltimore County, to £11 : 10: by Calvert; the amounts assessed against each county were based on the number of taxables in each. These payments totalled £279 annually whether there were one or more sessions in a given year, but if there were no sessions the total amount he was to receive for that year was reduced to £210, the money to be paid from certain balances in the Loan Office. Back payment for the year 1761 was also provided for. The act also recited that whereas it appears "to the present General Assembly, That the said Jonas Green hath done divers Services as Printer for this Province, for which he hath not heretofore had any Allowance", the commissioners of the Loan Office are to pay him £500 current money in full satisfaction for such services (pp. 196-200). The printed broadside of Jonas seems to have produced the desired results, and to have shamed the Assembly into paying its debts to him.

Green soon found that under the terms of the act of 1762 sufficient time after the close of the session had not been allowed him to print and distribute the session laws and the Votes and Proceedings of the Lower House, specified respectively as three months and four months. By a supplementary act passed on November 26, 1763, which applied, however, only to this session, these periods were extended to four months and five months respectively (pp. 396, 278, 518-519). The Lower House at the 1763 session also directed Green to print in the *Maryland Gazette* the act to recover small debts out of court before one justice, and also certain sections of the Tobacco Inspection act relating to tobacco warehouses (p. 389). The attempt of the Lower House to have printed the bill rejected by the Upper House to establish a College at Annapolis was frustrated by the refusal of the latter chamber to return to it the original bill (pp. lvii-lviii, 389). The Journal of the Lower House also discloses that in addition to doing the public printing Green sold record books to the House, for the purchase of which an ordinance was passed (pp. 387, 388).

LANGUISHING PRISONERS FOR DEBT

It had long been customary, at more or less frequent but irregular intervals, for the Assembly to pass acts for the relief of sundry prisoners confined for debt in county jails, who were always described as "languishing prisoners". No act for this purpose had been passed since the May, 1757, session, the last attempt, which has been made at the November–December, 1757, session, having failed because the Lower House would not agree to amendments added in the upper chamber by which debtors to the Lord Proprietary were not to have the benefit of the law, and by which sureties for debtors to the Loan Office were not also relieved of their obligations. In a preceding volume of the *Archives* (LVI; lxxiv, 62, 509-514) there were printed in full in the Appendix the petitions of six prisoners for debt, dated 1759-1760, some of whom had already been in prison as long as four years, praying the enactment of legislation for their relief.

In the Appendix of this volume will be found the petitions, dated 1761-1762, of six other unfortunate prisoners. These petitions are printed in full because of the sidelights they throw upon the horrors of the system of imprisonment for debt. One of these prisoners had been in jail seven, and another five, years. The debtors, who were often men with families, declared that they were willing and anxious to make over everything they possessed to their creditors, and after release would do all they could to pay their debts. In each case the petition for relief was endorsed by the justices of the courts of the county where the petitioner was confined. The impasse between these two houses extended over the period 1758-1765, and it was not until the latter year that a debtors' act was passed (Hanson's *Laws of Maryland made since MDCCLXIII;* Acts of 1765, Chapter XI). By this act Nathaniel Wickham, one of these petitioners (p. 586) and John Turnbull (*Arch. Md.* LVI, 511-512), were released. It was not until 1766 that an act was passed (Hanson's *Laws;* Acts of 1766, Chapter III) under which George Baker (pp. 583-584) was released. The fate of the other unfortunates has not been learned. None of these petitions were presented to the Assembly.

SOURCE MATERIAL FOR THIS VOLUME

At the suggestion of a number of students of Maryland history, a note will be made here as to the source material from which this printed volume of the *Archives* is derived. The proceedings or journals of the Upper House as printed here are taken from one of the series of large official manuscript folio libers, kept by the clerks of that house, covering the colonial period from 1660 to 1774. Prior to 1660 the proceedings of both houses of the Assembly are to be found recorded together in the same liber. It was the business of the Clerk of the house, or of some under-clerk designated by him, to make his entries in these official libers from rough notes kept day by day of the proceedings of this body. John Ross (1696-1766), who was Clerk of the Upper House from 1729 to 1764, and was at this time nearly seventy years old, if he personally made these entries, which appears unlikely, had become a rather careless scribe and one who ignored both punctuation and paragraph, and an indifferent speller. In one instance the recorder failed to enter in the journal an Upper House message (pp. 263, 382), and in another instance did not record the proceedings for parts of two days (p. 270). His handwriting is to be rated as fair to poor. The contemporary volume from which this Upper House journal is taken bears the designation U.H.J. No. 36. Messages from the Upper House to the Lower House are also to be found recorded in the journals of the latter house, both in the official manuscript libers of the Lower House and in Jonas Green's printed *Votes and Proceedings of the Lower House of Assembly*. The Clerk of the Lower House in transcribing these messages usually corrected the errors in spelling, and filled in the letters or syllables which Ross, or an understudy, had carelessly omitted, and not infrequently added punctuation marks. Green even went further, correcting not only the spelling or other obvious errors, but paragraphing and punctuating liberally. The editor has thought it wise, however, to copy literatim and punctuatim the Upper House Journal so as to reproduce it verbatim as it appears in its own original manuscript record, even at the risk of some loss of clarity. In the case of messages, where occasionally a word is left out or is undecipherable, it has been supplied from the Lower House Journal when this is possible. It is to be noted that the Clerk has failed to enter the proceedings for part of the afternoon session of November 23, 1763, and for the morning session of the day following (p. 270). The clerk probably lost his rough notes and did not dare to supply them later from memory. None of the rough notes of the clerk of the Upper House are known to have been preserved.

In the case of the Lower House journals for the second and third quarters of the eighteenth centuries there are two separate contemporary series of records available, and in some cases also a third. These are the large official manuscript quarto libers, known as the Journals of the Lower House, and the printed "Votes and Proceedings of the Lower House", as they are designated in Jonas Green's contemporary printed pamphlets for each session. As a separate series the Lower House manuscript libers begin with the year 1666, and run down through the colonial period to 1774. The liber used in compiling this volume bears the title, L.H.J. No. 52. For some sessions the original rough notes of the Lower House clerk have also been preserved. These are found in small unbound stitched folios. Thus there have been preserved the rough notes for the session of 1762, but not for the session of 1763. That there was occasionally a doubt raised as to the accuracy of the journal as kept by the clerk is shown by a motion which was passed by the Lower House at the 1763 session ordering that in the future a special committee be appointed at the opening of each session to compare the journal of the preceding session with the original entries (p. 332). Both John Allen Thomas, the Clerk at the 1762 session, and Michael McNamara who returned as Clerk of the Lower House in 1763, were much better scribes than the recording clerk in the Upper House, if they are respectively personally responsible for the transcribed entries in the official Lower House journal. Certainly we find them guilty of few omissions or mistakes in spelling; and their punctuation and paragraphing are also quite good, although less elaborate than in Green's printed versions. The rough notes and the entries in the official libers seem to be in the same handwriting. Green, however, arranges tables of figures or lists of names in a clearer way. The editor has used the *arrangement* of Green's tables rather than the *form* in which these tabulations appear in the manuscript libers. Green occasionally omits a paragraph or two when he feels that their insertion is superfluous. Neither the manuscript libers nor the printed versions enter the counts of the affirmative or negative votes on measures as was formerly the custom. The editor has added these figures to the text in brackets. Green designates those voting on various measures with the preliminary title "Messieurs". These titles are at this date not to be found in the manuscript libers, and have of course been omitted throughout in the text of this volume.

Of the laws passed at each session there are two contemporary records—one, the large official manuscript folio libers in which are enrolled the acts of several sessions, designated as the "Laws"; and the laws of each session separately printed by Jonas Green, familiarly known as "Green's Session Laws". In the manuscript libers are enrolled in full both the public laws and the private acts. The latter are entered by title only in "Green's Session Laws". Green, as required by law, also added marginal notes summarizing paragraph by paragraph the purport of each section of the several acts. These marginal notes as they appear in Green are re-printed in brackets as marginal notes in this volume. Although the manuscript text has been followed in printing the laws in this volume, for greater clarity Green's paragraph arrangement has been made use of throughout. These printed session laws are also occasionally to be found in an interesting variant form in the collection of manuscript and printed material, once the property of the lords Proprietary in England and now in the Maryland Historical Society, known as the Calvert Papers. They are printed on one side of the paper, which is heavy and with wide margins. The sheets are fastened together by tape at one corner, not bound together in pamphlet form as are the ordinary issues of Green's Session Laws. In addition to these several series of laws for each session, there should be mentioned that large sumptuous folio volume, almost contemporary with this period—Thomas Bacon's *Laws of Maryland at Large,* printed in 1765 at Annapolis by Jonas Green. By act of the Assembly, Bacon's *Laws* was given legal status. Only the acts that were actually in force down to the year of publication, 1765, are printed in full, but resumés very useful to the researcher, of some of the earlier laws, then obsolete only in part, are to be found in Bacon. In Lawrence C. Wroth's *A History of Printing in Colonial Maryland,* 1922, will be found references to the contemporary printed material available for this period, relating to Assembly affairs.

It should be added that the Clerk in entering the several acts in the official manuscript liber for the years 1762 and 1763, designated "Laws: Liber H.S. No. 1", has twice made the same clerical error, and for each session has assigned the same number, 1, to both the first and second acts, thus making the numbers of all the succeeding acts incorrect. The editor, who does not wish to alter in any way the original text, follows the Clerk and repeats the latter's incorrect manuscript liber arabic numeration of the several acts, but has also added consecutively in bracketed italicized Roman numerals the corrected numeration of the several subsequent acts, corresponding to Green's numbering as printed in his contemporary session laws for these two years and in Bacon's *Laws of Maryland At Large,* 1765. All of the original manuscript records, the journals of both houses, and the laws are in the State of Maryland depositary, the Hall of Records, Annapolis.

The sources from which the material in the Appendix has been taken are varied and will be noted under each item.

APPENDIX

In the Appendix will be found printed a number of contemporary manuscript documents and two very rare contemporary printed items bearing on the Assembly proceedings for this period. (I) The £45,000 Supply bill for His Majesty's Service, or the Assessment Bill as it was familiarly known, is here reprinted in full from one of the two known copies of an excessively rare contemporary pamphlet in which, with various Assembly messages, the bill was printed in full. This Supply bill, which was passed for the ninth time at the 1762 session by the Lower House and as often rejected in the Upper House, is discussed elsewhere in this introduction (pp. xxxviii-xlvi, 523-571). Other documents to be found in the Appendix, also discussed elsewhere in this introduction, are: (II) a letter from Frederick, Lord Baltimore, to Governor Sharpe, telling him that he had presented to Their Majesties the address of condolence and congratulation of the Upper House (pp. xlviii-xlix); (III) petitions from William and Mary Parish and All Faiths' Parish, St. Mary County, and from Christ Church Parish, Kent County, asking for changes in parish bounds (pp. li-liii); (IV) a list of suits instituted against debtors to the Loan Office on mortgages secured by land (pp. lxii-lxiii); (V) instructions by Sharpe to the Naval Officer at Patuxent to prevent grain and other supplies from reaching the enemy; (VI) the printed broadside petition of Jonas Green, the public printer, praying payment of long overdue debts due to him by the Province (p. lxxiii); (VII) a petition from the inhabitants of Chestertown for authority to establish and regulate a town market; (VIII) a petition from the inhabitants of Somerset County praying for the passage of an act relating to the town of Salisbury (p. xxxiv); (IX) orders from the Governor to the Sheriff of Anne Arundel County to proclaim the acts passed at the 1762 session; (X) petitions for the relief of six "languishing prisoners" imprisoned for debt in various county jails (p. lxxv).

PROCEEDINGS AND ACTS

OF THE

GENERAL ASSEMBLY OF MARYLAND

At a Session Held at Annapolis, March 17–April 21, 1762.
Being the First Session of the Assembly Elected in
October–November, 1761.

FREDERICK CALVERT, LORD BALTIMORE,
Lord Proprietary.

HORATIO SHARPE,
Governor.

PROCEEDINGS

OF THE

UPPER HOUSE OF ASSEMBLY

At a Session of Assembly begun and held at the City of Annapolis on Wednesday the 17.th of March in the Eleventh year of his Lordships Dominion Annoque Domini 1762

U. H. J.
Liber No. 36
1762
March 17
p. 1

Present

His Excellency Horatio Sharpe Esq.r Governor

The honble Benjamin Tasker Esqr Benedict Calvert Esqr Stephen Bordley Esqr John Ridout Esqr

Messrs Goldsborough & Lloyd from the Lower House Acquaint his Excellency that there are a Sufficient Number of Members met to make a House and wait his Excellencys Commands

Stephen Bordley & John Ridout Esq.rs are sent to the Lower House to Administer the Oaths to the Government appointed to be taken by Act of Assembly of this Province to the several Members of that House and ordered that the Clerk of this House attend them who administred the several Oaths to the several Members then Present and they all Subscribed the Oaths of Abjuration and Test

Stephen Bordley & John Ridout Esqrs are sent to Acquaint the Lower House that his Excellency requires their attendance in the Upper House immediately

The Lower House attend and his Excellency orders them to return to their House and make Choice of a Speaker

Mess.rs Goldsborough and Lloyd from the Lower House acquaint his Excellency their House hath made Choice of a Speaker

Stephen Bordley and John Ridout Esq.rs are sent to the Lower House to Inform them that his Excellency requires their attendance in the Upper House to present their Speaker for his Approbation

The Lower House Attend and presents Col. Henry Hooper as their Speaker with which Choice his Excellency declares himself well pleased & makes the following Speech

Gentlemen of the Upper and Lower Houses of Assembly p. 2

You are at this time covened in Obedience to his Majestys Commands, Signified to me by the Right honble the Earle of Egremont one of his Majestys Principal Secretaries of State, and his Excellency Sct Jeffery Amherst, by whose Letters you will find, that the King our most Gracious Sovereign having seen his good dis-

U. H. J. Liber No. 36 March 17

position and Endeavours to restore the Public Tranquility, entirely frustrated by the Insincerity and Chicane of the Court of Versailles, hath resolved to prosecute the War with the utmost Vigour, in hopes of reducing the Enemy by such Measures to the Necessity of accepting Peace on Terms of Glory and advantage to his Majesty's Crown and permanently beneficial to his American Subjects

Convinced that nothing can so effectually contribute to this great and essential Object, as his being enabled immediately to employ in Offensive Operations against the Enemy, such part of his Regular Forces still in North America, as may be adequate to some great and important Enterprize, the King hath ordered the Commander in Chief of his Forces on this Continent to take Measures, and proceed accordingly; and that the full and entire Security, as well of his former Dominions as of those which in the Course of the War have been acquired by Conquest in North America, may, during the Absence of such Regular Forces be effectually provided for, his Majesty is pleased once more to call upon his good Subjects on this Continent for such a supply of Provincial Troops as their Circumstances, Situation, and Number of Inhabitants, may allow or enable the several Provinces to raise cloath and pay, that the Burthen on the Colonies may be as light as possible, the Men will be supplied with Arms, Tents, and Provisions, in the same manner as are the Regular Forces, and that even the Expence of rasing Cloathing and paying the Provincials required may be lessened and no encouragment be wanting to incite the Colonies to the fullest Exertion of their Force his Majesty hath been most graciously pleased to permit the Secretary of State to assure us, that strong Recommendations will be made to Parliament in their Session next year to grant a proper p. 3 Compensation for such Expence, according as the Active Vigour and Strenuous Efforts of the respective Provinces shall justly appear to merit

As you Gentlemen of the Lower House must be the best judges of the Circumstances of your Constituents and what number of Troops it would be possible to raise here for the service of the ensuing Campaign I leave that matter entirely to your determination but as it is very essential to the Services S.^r Jeffery Amherst hath in Command from the King that you should come to a speedy Resolution, and the General be informed what Number of Men he may expect from this Province and when the Maryland Troops will be ready to march, I entreat you take the Earl of Egremonts and his Excellencys Letters immediately into Consideration and with the utmost dispatch to prepare a Bill for raising the most expeditious manner the Number of Men you may agree to furnish as the quota of this Province. Gentlemen Relying on your desire to preserve this Province from the dreadfull Consequence, which the Earl of Egremont by his Majesty's express commands tell us cannot fail to attend

U. H. J. Liber No. 36 March 17

the Obstinate pursuit of the Measures that have unhappily given occasion for the very severe Reprehension contained in his Letter, on your Zeal to promote the Honour, Glory & Service of a Sovereign whose unwearied Application constant Attention and Study to preserve and advance the Happiness and prosperity of his People have rendered him extremely dear to all his Subjects throughout his extensive Dominions on your Gratitude for the innumerable and inestimable Blessings the Inhabitants of this Province in common with their fellow Subjects enjoy under his auspicious Reign and on your wishes to see our present Security firmly established by a safe and honourable Peace for which security we are indebted to the wise & vigorous Measures of a most excellent Sovereign and the extraordinary Efforts of the Mother Country in our defence at a time when we were on the point of falling a prey to a barbarous Enemy. I am persuaded it would be unnecessary for me to urge any p. 4 arguments in Addition to what are contained in the Letters I shall lay before you and flatter myself that your ready Compliance with his Majesty's Requisitions, will, at the same time it redounds to the Honour of this new Assembly, incline our most Gracious Sovereign as well as his Ministers and the Commander in Chief of the Kings Forces on this Continent to entertain the most favourable Opinion of the Loyalty Affection and Zeal of the Inhabitants of Maryland

Whitehall 12 Dec.^{r} 1761

S.^{r}

As the King has nothing so much at Heart, as to secure and improve the great & important Advantages, gained since the Commencement of this War in North America, and having seen his good Dispositions to restore the Publick Tranquility, entirely frustrated by the Insincerity & Chicane of the Court of Versailles, in the late Negotiation; and as nothing can so effectually contribute to the great and essential Object of reducing the Enemy to the Necessity of Accepting a Peace, on Terms of Glory and Advantage to his Majestys Crown, and beneficial, in particular, to his Subjects in America, as the King's being enabled to employ, as immediately as may be, such part of the regular Forces in North America, as may be adequate to some great & important Enterprize against the Enemy; I am commanded to Signify to you the King's Pleasure, that, in order the better to provide for the full and entire security of his Majestys Dominions in North America and particularly of the Possession of his Majestys Conquests there, during the absence of such part of the Regular Forces, you do, forthwith use your utmost Endeavours & Influence with the Council and Assembly of your Province to induce them to raise, with all possible dispatch within your Government, as large a Body of Men, as the Number & Situation of Its Inhabitants may allow; (and I am particularly com-

U. H. J. Liber No. 36 March 17 p. 5 manded by the King, to acquaint you that his Majesty expects that your Province will not Obstinately persist in refusing to comply with their Duty to the King on this Head; a Behaviour which cannot fail to incur his Majestys Displeasure;) and forming the same into Regiments, as far as shall be found convenient, that you do direct them to hold themselves in readiness and particularly as much earlier than former years as may be, to march to such Place, or Places in North America as his Majesty's Commander in Chief there, or the Officer, who shall be appointed to command the Kings Forces in those Parts, shall appoint, in order to be employed there, under the supreme Command of his Majestys said Commander in Chief, or the Officer to be appointed as above, in such manner as from the Circumstances and situation of the Enemy's Posts, and the state & Disposition of the Indian Nations, on that side, He may judge most conducive to the Kings Service and the better to facilitate this important Service, the King is pleased to leave it to you to issue Commissions to such Gentlemen in your Province as you shall judge, from their Weight and Credit with the People, and their Zeal for the Publick Service, me be best disposed & enabled to quicken and effectuate the Speedy Levying of the greatest Number of Men; In the Disposition of which Commissions, I am persuaded you will have nothing in View, but the good of the Kings Service and a due Subordination of the whole to his Majestys Commander and all Officers of the Provincial Forces, as high as Colonels, inclusive are to have Rank according to their several respective Commissions agreable to the Regulations contained in his late Majesty's Warrant of the 30.th of Dec.r 1757 which has been renewed by his present Majesty

The King is further pleased to furnish all the Men so raised as above with Arms Ammunition & Tents as well as to order Provisions to be issued to the same, by his Majestys Commissaries in the Same proportion and Manner, as is done to the rest of the Kings Forces; The whole therefore that the King expects & requires from p. 6 the several Provinces is the Levying Cloathing, & Pay of the Men; and on these Heads also, that no encouragement may be wanting to the fullest Exertition of your Force, His Majesty is farther most graciously pleased to permit me to acquaint you that Strong Recommendations will be made to Parliament, in their next session next Year to grant a proper Compensation for such Expences as above according as the Active Vigour & strenuous Efforts of the respective Provinces shall justly appear to merit

It is His Majestys Pleasure, that you do with particular Diligence immediately Collect, & put into the best Condition, all the Arms issued last Campaign, which can be anyways rendered Serviceable, or that can be found within your Government, in order that the same may be again employed for his Majestys Service

I am further to Inform you, that similar Orders are sent, by this Conveyance, to Pensylvania Virginia North Carolina, & South Carolina The Northern Governments are also directed to raise Men in the same manner to be employed as his Majestys Commander in Chief shall judge most conducive for the Kings Service in North America U. H. J. Liber No. 36 March 17

It is unnecessary to add any thing to animate your Zeal in the Execution of his Majesty's Orders in this important Conjuncture, which is finally to fix the future Safety & Welfare of America & of your Province in particular And the King doubts not from your known Fidelity and Attchment, that you will employ yourself with the utmost Application & Dispatch in this promising & decisive Crisis

I am with great Faith & Regard
S^rs^ your most Obedient humble Servant
Egremont

New York 9th Febry 1762

Sr

By the General Wall Packett, which Arrived here this Morning I am Honored with a Letter from the Earl of Egremont One of his Majestys Principal Secretaries of State Bearing date the 12th Dec.r p. 7 last, wherein His Lordship is pleased to Acquaint me that, as the King has Nothing so much at heart as to Secure & Improve the great & Important Advantages gained since the Commencement of this War in North America, & having seen his good Dispositions to Restore the Publick Tranquility entirely frustrated by the Insincerity & Chicane of the Court of Versailles, in the late Negotciation, His Majesty is again Obliged to take into his Royal Consideration what Ulterior Operations can be Entered upon by such part of the Troops under my Command, as can be spared for other Service without the least Diminuation of the full & Entire Security as well of his Majesty's former Dominions, as of those as of those Acquired by Conquest in North America. In Order that every thing may be in readiness for an Early Campaign, & to be able to Employ an Adequate Number of the Regular Forces whatever Attack may be Resolved upon His Majesty has thought it necessary to Lose no time in Dispatching His Orders to the Several Governors in North America, for Levying with the utmost Expedition the Quotas required of the respective Provinces

His Majesty's Directions, on this Subject, to the Several Governors are so fully Specifyed in the Circular Letter Wrote by the Earl of Egremont of which his Lordship has sent me a copy that it only Remains with me most Earnestly to Entreat you, to Lose no time in Convening your Assembly & Laying before them the aforesaid Letter of the Secretary of State; & that you will forthwith Use your

U. H. J. Liber No. 36 March 17 utmost Endeavors & Influence with the Council and Assembly to Induce them to Raise, with all possible Dispatch within your your Government, as large a Body of Men as the Number & Situation of its Inhabitants may allow

I cannot think, S,r that I need Urge any Arguments to Convince you of the Necessity of an Early Compliance with His Majesty's Commands as it is more than probable that this Campaign, if Opened in time & Carried on with Vigor must be that which will at last p. 8 Compell our Enemy to treat in Earnest, on such Terms, as will be Equally Glorious and Advantageous for His Majesty's Crown & permanently Beneficial to His American Subjects and I therefore trust the Assembly will Enable you to put those Commands into Immediate Execution, Since they terminate in a point, wherein they are so nearly Concerned & that the Kings principal Object has been for their present Security, as well as their future Welfare & prosperity

You will Observe by the Earl of Egremont's Letter, that as a further Encouragement to a proper Exertion on the part of the Provinces, his Majesty has ordered, as heretofore, that the Provincial Forces should be Victualled in the same manner & in the same Proportions as the Regulars, & that they should be Supplied with Arms & Tents at the Expence of the Crown.

Moreover, that Strong Recommendations will be made to Parliament in their Session next year to Grant a Compensation to the Provinces, according as their respective Vigor & Strenuous Efforts shall Justly appear to Merit

I have it also in Command from His Majesty to Enjoin you to Collect & Cause to be put into proper Condition all the Serviceable Arms that can be found within your Province, for Every one of which that shall be brought to the Field & shall not return, by reason of being spoiled, or lost in Actual Service, I shall pay the Usual Allowance of Twenty five Shillings per Forelock

As it is very Essential to the Services I may have in Command from the King that I should be, as early as possible, Informed of the Resolves of your Assembly on this head, and of the time that the Troops will be ready, I beg that as soon as you are Acquainted therewith, you will Signify the same to me by Express, that I may Regulate Myself accordingly

I have likewise Received a Letter from the Earl of Egremont of the same date with the former, Signifying His Majestys Intentions of Compleating the Regular Regiments Serving in America, by Recruits to be Raised by the several Provinces over and above the p. 9 Quotas Demanded in the Other Letter on such Terms & Conditions as I shall propose. I shall in obedience thereto so soon as I have fixed on the Numbers necessary to be furnished by the respective Provinces, Communicate to you the Encouragements which his

Majesty is graciously pleased to Empower me to give for Effecting this most Essential Service and in the mean time, I think it my Duty to Acquaint you of this Intended Measure that you may be prepared for Exerting your utmost Influence with your Assembly to grant the Number of Men that I shall be Obliged to require of your Province, that his Majestys Command may be duely Obeyed U. H. J. Liber No. 36 March 17

I am, with great Regard

S.r your Most Obedient Hble Ser:t

Jeff Amherst

[*For the editor's note on the Egremont letters referred to in the last paragraph of the above letter of Amherst see page 18*]

Messrs Tilghman & Goldsborough from the Lower House acquaint His Excellency that their House hath made choice of Mr John Allen Thomas for their Clerk and hope for his Excellencys Approbation to whome his Excellency is pleased to declare that he approves their Choice

Mess.rs Stewart & Gant from the Lower House attend with Mr John Allen Thomas Clerk of the said House in order to see him quallified who takes the Oaths to the Government appointed to be taken by Act of Assembly and Subscribes the Abjuration & Test & also takes the Usual Oath of Office & then withdraws

Adjourned till 3 of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again According to Adjournment

Present as in the Morning

Mess.rs Goldsborough & Smallwood attend with Messrs Edmonson and Thomas Members Elected for Talbot County & Messrs Dent and Hanson for Charles County to see them quallified who take the Oaths to the Government appointed to be taken by Act of Assembly p. 10 repeat & Subscribe the Abjuration & Test & then withdraw

Adjourned till to Morrow Morning ten of the Clock

Thursday Morning 18.th March 1762 March 18

This House met again according to Adjournment

Present as Yesterday

Mess.rs Gant & Worthington attend with Mr James John Mackall Member for Calvert & M.r John Hammond Member for Ann Arundel County to see them Quallified who take the Oaths to the Government appointed to be taken by Act of Assembly repeat & Subscribe the Abjuration & Test & then withdraw

Adjourned till 3 of the Clock in the Afternoon

U. H. J.
Liber No. 36
March 18

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

A Message from the Lower House of Assembly by Mess.rs Ringgold & Hanson

By the Lower House of Assembly March 18.th 1762

May it please your Honours

This House hath appointed M.r Dulany, M.r Hanson Mr Ringgold M.r Robert Loyd, M.r Beall & M. Stoddert, a Committee from this House to inspect the Accounts & Proceedings of the Commissioners or Trustees for Emitting Bills of Credit established by Act of Assembly & desire your Honours will appoint one or more Members of your House to join in the said Committee

Signed ꝑ Order Jn.o A. Thomas Cl. Lo. Ho.

Adjourned till to Morrow Morning ten of the Clock

March 19 Friday Morning 19.th March 1762

This House met again according to Adjournment

Present as Yesterday

p. 11 Adjourned till 3 of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

A Bill from the Lower House of Assembly by Mess.rs Tilghman & Wright Entituled an Act for the Adjournment and Continuance of Prince Georges & Queen Anns County Courts thus Endorsed.

By the Lower House of Assembly 19.th March 1762

Read the first time & ordered to lye on the Table

Signed ꝑ Order John A Thomas Cl. Lo.. Ho

Read the Second time by Especial Order & will pass

Signed ꝑ Order John A Thomas Cl. Lo. Ho.

Read the first time in this House & ordered to lye on the Table

A Message from the Lower House by Mess.rs Ringgold & Hanson

By the Lower House of Assembly 19.th March 1762

May it please your Honours

This House being very Sensible that many matters relative to the Office and Proceedings of the Commissioners or Trustees for

Emitting Bills of Credit established by Act of Assembly and the payments and Returns of Other Officers into that Office, require as early an Inspection as possible, we hope it will be looked upon as a Sufficient Excuse for repeating our Message of yesterday, desiring your Honours to appoint one or more Members of your House to join the Members of this House appointed for that purpose

U. H. J.
Liber No. 36
March 19

Signed ꝑ Order John A. Thomas Cl. Lo. Ho.

Adjourned till to Morrow Morning ten of the Clock

Saturday Morning 20.th March 1762 March 20.

This House met again according to Adjournment

Present as Yesterday

Adjourned till Monday Morning ten of the Clock

Monday Morning 22^{d} March 1762 March 22

This House met again according to Adjournment p. 12

Present

The honble Benj^{a} Tasker Esq^{r}
Sam.^{l} Chamberlaine Esq^{r}
Benedict Calvert Esq^{r}
Stephen Bordley Esq^{r}
John Ridout Esq^{r}

The following Message is sent to the Lower House by Samuel Chamberlaine Esq^{r}

By the Upper House of Assembly 22^{d} March 1762

Gentlemen

Not being able to make up an House for the dispatch of Business from the Indisposition of Several of Our Members, till this Morning we now, agreable to your Messages of the 18.th & 19:th Instant, do appoint Sam.^{l} Chamberlaine Esq.^{r} to join the Members named by your House, in a Committee to inspect the Accounts & Proceedings of the Commissioners of the Paper Currency Office

Signed ꝑ Order, Jn^{o} Ross Cl. Up. Ho

Mess^{rs} Worthington & Magruder attend with M.^{r} Paca a Member for Baltimore County M.^{r} George Plater for S^{t} Marys County M^{r} Tho^{s} Johnson a Member for Ann Arundel County & M^{r} Beattys for Frederick County to see them quallified who take the Oaths to the Government appointed to be taken by Act of Assembly repeat & subscribe the Abjuration & Test & then withdraw

Benjamin Tasker Esq.^{r} attended by the Members of this House present to his Excellency their Address which follows in these words

U. H. J. Liber No. 36 March 22

To His Excellency Horatio Sharpe Esq^r Governor and Commander in Chief in & over the Province of Maryland

The humble Address of the Upper House of Assembly

May it please your Excellency

To accept the thankfull acknowledgments of us His Majestys dutiful & loyal Subjects for your Speech to both Houses of Assembly at the opening of this Session

Since the good Disposition & earnest Endeavours of our most gracious Sovereign to restore the Publick Tranquality have been p. 13 unhappily frustrated We cannot but applaud the Wisdom of the Resolution his Majesty ever attentive to the Welfare & true Interests of his People hath thereupon taken and we entertain the most sanguine hopes that his Majesty's good Subjects in North America will by a ready Compliance with his Requisitions enable the Commander in Chief of the Kings Forces on this Continent immediately to prosecute with Vigour & Success the Ulterior Operations he may have in Command from his Royal Master. Sensible in how disadvantageous a light this Province must at present appear to His Majesty

Remembering with gratitude how these Colonies were by the Vigorous Measures of a most excellent Sovereign & the extraordinary Efforts of the Mother Country for their preservation but a few years ago rescued from the most imminent danger anxious to see our present Security firmly established by a good and honourable Peace & thankfull for the inestimable Bessings the Inhabitants of Maryland in common with their fellow Subjects derive from His Majestys auspicious Reign We beg leave to assure your Excellency that this House will embrace every Opportunity of manifesting their Loyalty Duty and attchment to the best of Kings and that it will be to Us a matter of the highest Joy if the proceedings of this New Assembly & the Issue of the present Session are such as may incline our most gracious Sovereign to entertain a favourable Opinion of all the Inhabitants of this Province

Benj^n Tasker President

Adjourned till 3 of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

Read the Second time the Bill Entituled an Act for the Adjournment and Continuance of Prince Georges & Queen Anns County Court passed & Sent to the Lower House by John Ridout Esq^r

His Excellency is pleased to Communicate to this House his Answer to their Address which follows in these words U. H. J. Liber No. 36 March 22
Gentlemen of the Upper House of Assembly

The Terms in which you have expressed yourselves in your p. 14 Obliging Address for which I return you Thanks manifest your Loyalty Attchment and Gratitude to our most gracious Sovereign and I am confident you will by your proceedings on this and every Occasion endeavour to promote his Service and to recommend this Province to His Royal favour

Hor° Sharpe

An Engrossed Bill from the Lower House by Mess.^rs^ Tilghman and Hall Entituled an Act for the Adjournment & Continuance of Prince Georges and Queen Anns County Courts thus Subscribed

By the Lower House of Assembly 22th March 1762

Read and assented to

Signed ℘ Order John A Thomas Cl. Lo. Ho.

Read and assented to by this House & ordered to be so Subscribed the paper Bill so endorsed is sent to the Lower House by Stephen Bordley Esq^r^

Benedict Calvert & John Ridout Esq.^rs^ are sent to the the Lower House to acquaint the Speaker that His Excellency requires his and the Lower Houses attendance immediately in the Upper House

The Lower attend and by their Speaker presents to His Excellency the Bill Entituled An Act for the Adjournment & Continuance of Prince Georges & Queen Anns County Courts which his Excellency passed into a Law in the usual manner

Adjourned till to Morrow Morning ten of the Clock

Tuesday Morning 23.^d^ March 1762 March 23

This House met again according to Adjournment

Present as Yesterday

Adjourned till 3 of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Read the first time the following Bills prepared in this House

An Act Entituled an Act to exempt Persons appearing at Musters p. 15 from Arrests in Civil Cases

An Act continuing An Act entituled an Act to prevent certain Evils & Inconveniences attending the Sale of Strong Liquors and running Horse Races near the yearly Meetings of the People called

U. H. J. Liber No. 36 March 23 Quakers and to prevent the Tumultuous Concourse of Negroes and other Slaves during the said meetings and also one other Act entituled an Act to Amend and explain An Act entituled an Act to prevent certain Evils and Inconveniences attending the Sale of Strong Liquors & Running Horse Races near the yearly Meetings of the People called Quakers and to prevent the Tumultuous Concourse of Negroes & Other Slaves during the said meetings.

An Act continuing An Act entituled An Act for Punishment of Horse Stealers & other Offenders

An Act continuing An Act entituled An Act for the more effectual Punishment of Certain Offenders & for taking from them the Benefit of Clergy

An Act continuing An Act entituled an Additional and explanatory Act to the Act entituled an Act impowering the Commissioners of the County Courts to levy & raise Tobacco to defray the necessary Charges of their Counties & Parishes & ordered to lye on the Table

Read the first time the following Bills prepared in this House

An Act continuing An Act entituled An Act relating to Guardians & Orphans

An Act continuing an Act entituled an Act for destroying Wolves in Frederick County

An Act continuing an Act entituled an Additional Supplementary Act to the Act entituled an Act relating to Servants and Slaves

An Act continuing An Act entituled An Act for the more Effectual Punishment of Negroes & other Slaves & for taking away the Benefit of Clergy from Certain Offenders and a Supplementary Act to an
p. 16 Act entituled an Act to prevent the Tumultuous meeting & other Irregularities of Negroes and other Slaves & directing the manner of Trying Slaves

An Act continuing an Act entituled an Act to make the Testimony of Convicted Persons Legal against Convicted Persons

An Act continuing An Act entituled a Supplementary Act to An Act entituled an Act laying an Imposition on Negroes & Several Sorts of Liquors imported and also on Irish Servants to prevent the importing to great a Number of Irish Papists into this Province

An Act continuing An Act entituled An Act to enable the Several and respective County Clerks within this Province to remove some of the County Records and Papers from the Publick Offices and ordered to lye one the Table

Adjourned till to Morrow Morning ten of the Clock

Wednesday Morning 24.th March 1762

U. H. J.
Liber No. 36
March 24

This House met again according to Adjournment

Present as Yesterday

Mess.rs Thomas & Wilkinson attend with Mr Hollyday Elected Members for Queen Anns County to see him qualified who takes the Oaths to the Government appointed to be taken by Act of Assembly repeats & Subscribes the Abjuration & Test & then withdraw

Read the Second time the first five of the aforegoing Bills prepared in this House passed & Sent by Sam.l Chamberlaine Esq.r

Read the Second time the Seven foregoing Bills prepared in this House passed & Sent by John Ridout Esq.r

Adjourned till 3 of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

p. 17

Read the Petition of the Minister Vestrymen and Church wardens and Principal Inhabitants of S.t Peters Parish in Talbot County praying a Bill may be brought in to raise 500 Pounds by two equal assessments on the Inhabitants of the said Parish to repair the Church and Chappel of Ease therein, the Petition of the Rector and Vestrymen and Church wardens of Coventry Parish in Somerset and Worcester Counties praying a Sum of 250 Pounds Currency be levyed for the Building a Chapple of Ease in the Said Parish and also the sum of 140 Pounds Currency for Enlarging the Chapple at Deviding Creek in the said Parish, the Petition of W.m & Mary Clajon praying leave to sell the House and Lots of Gamiel Butler in the City of Annapolis towards payment of his debts. Referred to the Lower House & Sent by Stephen Bordley Esqr

Mess.rs Mackall & Waring attend with M.r John Hammond Dorsey Member Elected for Baltimore County in order to see him qualified who takes the Oaths to the Government appointed to be taken by Act of Assembly repeats and Subscribes the Abjuration & Test & then withdraw

Adjourned till to Morrow Morning ten of the Clock

Thursday Morning 25.th March 1762

March 25

This House met again according to Adjournment

Present as Yesterday

Adjourned till 3 of the Clock in the Afternoon

U. H. J.
Liber No. 36
March 25

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning & Col° Lloyd

Adjourned till to Morrow Morning ten of the Clock

March 26

Friday Morning 26th March 1762

This House met again according to Adjournment

Present as Yesterday

p. 18 Read the Petition of Sundry Inhabitants in & about George Town in Frederick County, The Petition of Edward Dorsey & John Warfield junr late Inspectors at Elk Ridge Landing in Ann Arundel County. Read the Petition of Fredreck Victor of the City of Annapolis Referred to the Lower House and Sent by John Ridout Esqr

Adjourned till 3 of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning & Richd Lee Esqr

Adjourned till to Morrow Morning ten of the Clock

March 27

Saturday Morning 27.th March 1762

Present as Yesterday

Read the Petition of Mary Woodward Widow & Execū of Henry Woodward late of Ann Arundel County Gent deceased referred to the Lower House & Sent by Rich.d Lee Esqr

Adjourned till 3 of the Clock in the Afternoon

Eodem die post Meridiem

This House met again according to Adjournment

Present as in Morning

Adjourned till to Morrow Morning ten of the Clock

March 29

Monday Morning 29.th March 1762

This House met again according to Adjournment

Present as on Saturday

Adjourned till 3 of the Clock in the Afternoon

Eodem Die post Meridiem

U. H. J.
Liber No. 36
March 29
p. 19

This House met again according to Adjournment

Present as in the Morning

Mess.rs Paca & Dorsey attend with Mr Lee Member for Baltimore in order to see him qualified who takes the Oaths to the Government appointed to be taken by Act of Assembly repeats & Subscribes the Abjuration & Test and then withdraw

Adjourned till to Morrow Morning ten of the Clock

Tuesday Morning 30.th March 1762

March 30

This House met again according to Adjournment

Present as Yesterday

Read the Petition of John Paca Rob.t Adair and Margaret Paca Execū of John Paca junr late of Baltimore County deceased referred to the Lower House & Sent by John Ridout Esqr

Adjourned till 3 of the Clock in the Afternoon

Eodem die post Meridiem

This House met again according to Adjournment

Present as in the Morning

Read the Petition of Henry Bouquill for his Naturalization & referred to the Consideration of the Lower House & sent by Step.n Bordley Esqr

Wednesday Morning 31.st March 1762

This House met again according to Adjournment

Present as Yesterday

Adjourned till 3 of the Clock in the Afternoon

Eodem die post Meridiem

This House met again according to Adjournment

Present as in the Morning

Adjourned till tomorrow Morning ten of the Clock

Thursday Morning 1.st April 1762

April 1

This House met again according to Adjournment

p. 20

Present as Yesterday

His Excellency is pleased to Communicate to this House the following Message

U. H. J. Liber No. 36 April 1 Gentlemen of the Upper House of Assembly

I herewith send you Two Letters that I lately received from the Earl Egremont and S.r Jeffery Amherst by which you will perceive that the King thinking it highly essential to the Interests & Security of his Subjects in North America that the Regular Regiments serving on this Continent be recruited with all Expedition to the full Compliment of Effectives, and at the same time considering how Great Britain is drained by furnishing Such Numbers of Men for the various Services in all parts of the World so as to render it impracticable to recruit these Regiments from thence, hath been pleased to Signify to these Provinces his Desire and Expectation that they will severally furnish their respective Quotas of Recruits to Compleat the Regiments which have been sent hither from Europe for our Defence and Protection

As this Demand Gentlemen is so very reasonable and so evidently calculated for the Security and Advantage of these Colonies I flatter myself you will on your parts most readily perform what is required of you, The Number of Recruits demanded from this Province being only Eighty four I doubt not but they may be Speedly raised if you will but appropriate a Small sum to be distributed by way of Bounty Money amongst the Men that may Enlist especially as S.r Jeffery Amherst is pleased to promise a Considerable Sum to each Recruit besides a Reward of forty Shillings New York Currency to the Officer or Person that Shall enlist them.

Hor.o Sharpe

[*The two letters referred to in the first paragraph of above message of Gov. Sharpe viz.* (*1*) *from the Earl of Egremont, and* (*2*) *from Sir Jeffrey Amherst, are omitted here as they are printed in full in the Archives of Maryland, Volume XIV, pages 13-14 and 28-29*]

p. 24 By the Upper House of Assembly 1.st April 1762

Ordered that the Clerk of this House do give Notice to the Agents appointed by the Act Entituled An Act for granting a Supply of 40000 Pounds for his Majesty's Service and Striking 34015..6..0 thereof in Bills of Credit & raising a Fund for Sinking the same to lay or Cause to be laid before this House their Accounts of the Sums of Money rec'd & applied by them in pursuance of the said Act for Inspection & Examination, sent to William Murdock Ja.s Dick & Daniel Wolstenholme

Notice given accordingly to M.r Dick

Adjourned till 3 of the Clock in the Afternoon

Eodem Die post Meridiem

This House Met again according to Adjournment

Present as in the Morning

Read the Petition of Sundry the Inhabitants of S.t Pauls Parish in Baltimore County praying the Sum of £600 may be Levyed on the

Inhabitants of said Parish for Building a Chappel of Ease in a Place known the Name of T L referred to the Lower House & Sent by Benedict Calvert Esq^r^ U. H. J. Liber No. 36 April 1

Adjourned till to Morrow Morning ten of the Clock p. 25

Friday Morning 2 April 1762 April 2

This House met again according to Adjournment

Present as Yesterday

Adjourned till 3 of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

Benjamin Tasker Esq.^r^ attended by the Members of this House presents to his Excellency their Address which follows in these words

To his Excellency Horatio Sharpe Esq.^r^ Governor & Commander in Chief in and over the Province of Maryland

The Humble Address of the Upper House of Assembly

May it please your Excellency

Sensible that the Kings Orders for compleating his Regular Regiments on this Continent in the manner signified by the Letters you were pleased on the 30.^th^ March last to communicate to Us are calculated for the Security & advantage of these Colonies & thankfull for the many Instances We have experienced of our most gracious Sovereign's provident Care & particular Attention to the Interests of his Subjects in North America We beg leave to assure your Excellency that our Readiness to perform what those Letters require is equal to your Excellency's Expectations or wishes We are on our parts very desirous that a sufficient Sum of Money be immediately appropriated to the purpose of raising the Number of Recruits demanded as the quota of this province & to have it in our power to give His Majesty the most convincing proofs of our attachment & Gratitude to him will afford the Members of this House the highest Satisfaction

Benj^n^ Tasker President

Adjourned till to Morrow Morning ten of the Clock

Saturday Morning 3^d^ April 1762 April 3

This House met again according to Adjournment p. 25 [sic]

U. H. J. Liber No. 36 April 3

Present as Yesterday except Col.° Lloyd

Read the Petition of the Mayor Recorder Alderman & Common Council of the City of Annapolis referred to the Consideration of the Lower House & Sent by John Ridout Esq^r

Mess.^rs Magruder & Chaplin attend with M.^r Cresap Member for Frederick to see him qualified who take the Oaths to the Government appointed to be taken by Act of Assembly repeat & Subscribe the Abjuration & Test and then withdraws

Adjourned till Monday Morning ten of the Clock

April 5

Monday Morning 5.^th April 1762

This House met again according to Adjournment

Present as on Saturday

Adjourned till 3 of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

Adjourned till to Morrow Morning ten of the Clock

April 6

Tuesday Morning 6.^th April 1762

This House met again according to Adjournment

Present as yesterday

Read the Petition of Jonas Green Printer praying Relief referred to the Consideration of the Lower House & sent by Richard Lee Esq^r

Read the Petition of Reb.^a Stokes of Baltimore County Widow praying a Town may be laid out on a Tract of Land called Harman Town upon Susquehannah. Rejected

Read the Petition of James Hollyday Representive of Ja.^s Hollyday Esq^r dece'd praying Relief referred to the Consideration of the Lower House and sent by Benedict Calvert Esq.^r p. 26

Adjourned till 3 of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

Read the Petition of the Rector Vestrymen Church Wardens and Inhabitants of S.^t James Parish in Ann Arundel County praying

130,000 Weight of Tobacco may be levyed in three year on the Inhabitants for Building a New Church. Referred to the Consideration of the Lower House & sent by John Ridout Esqr U. H. J. Liber No. 36 April 6

Adjourned till to Morrow Morning ten of the Clock

Wednesday Morning 7.th April 1762 April 7

This House met again according to Adjournment

Present as Yesterday

Adjourned till 3 of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

Adjourned till to Morrow Morning ten of the Clock

Thursday Morning 8.th April 1762 April 8

Present as Yesterday & Col.o Lloyd

Adjourned till 3 of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

Adjourned till to Morrow Morning ten of the Clock

Friday Morning 9.th April 1762 April 9

This House met again according to Adjournment

Present as Yesterday

Adjourned till 3 of the Clock in the Afternoon p. 27

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

A Bill from the Lower House by Mr Tilghman and others Entituled an Act for granting a Supply of Forty Five Thousand Pounds for his Majesty's Service & for defraying the Expence heretofore incurred for the Defence and Security of this Province & for other purposes therein mentioned and for raising the same by an Equal

U. H. J. Liber No. 36 April 9 Assesment upon all Estates real and personal and Lucrative Offices and Employment thus Endorsed

By the Lower House of Assembly 5.th April 1762

Read the first time & ordered to Lye on the Table

Signed ꝑ Order Jn.o A Thomas Cl. Lo. Ho.

By the Lower House of Assembly 9.th April 1762

Read the Second time and will pass

Signed ꝑ Order Jn.o A Thomas Cl. Lo. Ho.

A Message from the Lower House by Mr Tilghman and others

By the Lower House of Assembly 9.th April 1762

May it please your Honours

To Answer the Royal Expectations communicated to us by his Excellency the Governor at the Opening of this Session, we have framed and passed the Bill which goes to your Honours with this Message. We have formed it upon such a Plan as to us seems most Suitable to the Circumstances of our Constituents and in such a manner as we conceive the best adapted to the Nature of the Plan, but as in a new System of Such a Length, and of an Intricate a nature some parts may possibly be found liable to Objections, which p. 28 may have escaped us, and as we, out of a Sincere Regard for his Majesty's Service, and an Earnest desire to effect a Termination of that difference of Sentiment which has unhappily to long Subsisted between the Upper and Lower Houses of Assembly, with respect to the point of raising Supplies, for the Service of the Crown are willing to depart from a Strict parliamentary Course, and for the present to waive our Right respecting the Mode of proceeding upon Money Bills, we therefore hope that your Honours will shew the same good disposition and that in the Course of your Consideration of our Bill, any objections to it should occur you will also overlook the Strickness of Parliamentary forms & point them out to us, & we assure your Honours they shall have their due Weight

Signed ꝑ Order Jn.o A Thomas Cl. Lo.. Ho.

Adjourned till to Morrow Morning ten of the Clock

April 10 Saturday Morning 10.th April 1762

This House met again according to Adjournment

Present as Yesterday

The Eleven Bills following which were prepared in this House are brought from the Lower House by Messrs Dulany & Hanson

An Act continuing an entituled act to prevent certain Evils and Inconveniences attending the Sale of Strong Liquors & running

Horse Races near the yearly meetings of the People called Qakers & to prevent the Tumultuous Concourse of Negroes & other Slaves during the said meetings and also one other Act entituled an Act to amend & explain an Act entituled an Act to prevent certain Evils and Inconveniences attending the Sale of Strong Liquors & running of Horse Races near the yearly meetings of the People Called Quakers & to prevent the Tumultuous Concourse of Negroes & other Slaves during the said meetings U. H. J. Liber No. 36 April 10

An Act continuing an Act entituled an Act for Punishment of Horse Stealers & other Offenders

An Act continuing an Act entituled an Act for the more effectual Punishment of Certain Offenders and for taken from them the Benefit of Clergy p. 29

An Act continuing an Act entituled an Additional and explanatory Act to the Act entituled an Act impowering the Commissioners of the County Courts to Levy & raise Tobacco to defray the necessary Charges of their Counties and Parishes

An Act continuing An Act entituled an Act relating to Guardians and Orphans

An Act continuing an Act entituled an Act for destroying Wolves in Frederick County

An Act continuing an Act entituled an additional Supplementary Act to the Act entituled an Act relating to Servants and Slaves

An Act continuing an Act entituled an Act for the more Effectual Punishment of Negroes and other Slaves and for taking away the Benefit of Clergy from certain Offenders and a Supplementary Act to an Act entituled an Act to prevent the Tumultuous Meetings and other Irregularities of Negroes and other Slaves & directing the manner of Trying Slaves

An Act continuing an Act entituled an Act to make the Testimony of Convicted Persons legal against Convicted Persons

An Act continuing An Act entituled a Supplementary Act to An Act entituled an Act laying an Imposition on Negroes and Several Sorts of Liquors imported and also on Irish Servants to prevent the importing to great a Number of Irish Papists into this Province

An Act continuing an Act entituled An Act to enable the Several & respective County Clerks within this Province to remove some of the County Records & Papers from the Publick Offices severally thus Endorsed

By the Lower House of Assembly 6.th April 1762

Read the first time and Ordered to lye on the Table p. 30

Signed ℘ Order Jn:° A. Thomas Cl. Lo. Ho

By the Lower House of Assembly 10.th April 1762

U. H. J. Liber No. 36 April 10 Read the Second time and will pass

Signed ꝑ Order Jn.° A. Thomas Cl. Lo. Ho.

The Seven following Bills Brought from the Lower House by Mess.rs Dulany and Hanson

An Act continuing an Act entituled an Act for destroying of Crows and Squirrels in particular Counties

An Act to Enable James Hollyday legal Representative of James Hollyday Esqr deceased late Treasurer of Eastern Shore to draw Bills for Money therein mentioned

An Act to impower the Justices of Somerset and Worcester County to Levy on the Taxable Inhabitants of Coventry Parish partly in Somerset and Worcester Countys the quantity of Sixty two thousand four hundred Pounds of Tobacco for the Uses therein mentioned

An Act continuing an Act entituled an Act for Repairing the Publick Roads in this Province

An Act continuing an Act entituled an Act for the more effectual destroying red Foxes in the Counties of Kent & Queen Anns & Talbot & for destroying of Squirrels & Crows in the said Counties

An Act continuing an Act entituled an Act for the relief of Such Persons as cannot find Surety for their appearance to Testify as a Witness against any Person arrested accused or prosecuted for any Criminal matter

An Act for erecting a Publick Warehouse at Vienna Town Dorchester County, Severally thus Endorsed.

By the Lower House of Assembly 6 April 1762

Read the first time & ordered to lye on the Table

Signed ꝑ Order Jn.° A. Thomas Cl. Lo. Ho.

p. 31 By the Lower House of Assembly 10.th April 1762

Read the Second time & will pass

Signed ꝑ Order Jn.° A. Thomas Cl. Lo. Ho.

Adjourned till Monday Morning ten of the Clock

April 12 Monday Morning 12 April 1762

This House met again according to Adjournment

Present as on Saturday

Adjourned till 3 of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

U. H. J. Liber No. 36 April 12

Read the first time the Bill for granting 45000 Pounds for his Majestys Service and will not pass

Adjourned till to Morrow Morning ten of the Clock

Tuesday Morning 13 April 1762

April 13

This House met again according to Adjournment

Present as Yesterday

The Bill Entituled an Act for granting 45000 Pounds for his Majestys Service, is sent to the Lower House with the following Message. By Richard Lee Esq^r

By the Upper House of Assembly 13 April 1762

Gentlemen

Extremely desirous that His Majestys Requisitions signified to us at the Opening of this Session should be complied with We cannot but lament that while you on your parts express the same Inclination you have offered Us such a Bill for raising the Supplies as you must have been satisfied this House would never agree to: It having as the Journals shew been usual for the Upper House of Assembly in this Province when it hath been heretofore thought Expedient to raise Money for the King's Service, the Security & Defence of the Inhabitants or for other purposes not only to amend Supply Bills that had been in the Lower House but often to prepare such Bills themselves and send them down for the Concurrence of the Lower House (tho indeed Bills of this Sort were commonly drawn by a Committee of both Houses) We are confident it would not have been irregular or contrary to the established Mode of Proceeding for this House to have proposed amendments to the Bill you were pleased to send us last Friday, nor should we have declined to exert the Rights we have to doing so had not the little regard you have shewn to the many Objections which this House in April 1758 made to the Bill then Offered confirmed Us in an Opinion that there was no probability of the two Houses coming to any Agreement upon the Bill which we now return with a Negative From your having provided for the Levying Cloathing & paying of only 400 Provincials we presume you are of Opinion that over & above the 84 Recruits required as our Quota towards compleating the Regular Regiments on this Continent it would be impossible for this Province to levey & keep up a greater Number now according to the Calculations & allowances you yourselves have made Less than one third part of the Sum proposed by your Bill to be granted will be sufficient for these purposes but at the same time we are inclined to believe that if all the Real & Personal Estate in the Province was to be taxed agreable to your Plan could it be carried into Execution a Sum at least twice p. 32

U. H. J. Liber No. 36 April 13 as great as what you have mentioned would be raised even in One Year And as we Conceive a sum adequate to the purposes of Levying Cloathing & paying the Men which you have thought fit to Vote made be easily raised in the Province without creating such Confusion or discord among the Inhabitants as it certainly would be p. 33 occasioned was this New intricate System of yours to be carried into Execution we are in hopes that upon mature consideration you will agree to raise the Supplies wanted by some such simple mode of Taxation as hath been heretofore pursued in this so that the dispute which has indeed already to long subsisted between the Houses between the two Houses of Assembly may at length be happily terminated

Signed ꝑ Order Jn° Ross Cl Up. Ho.

The Bill entituled an Act continuing an Act to exempt Persons appearing at Musters from Arrest in Civil Cases Sent from this House is brought from the Lower House by Messrs Lloyd & Wright thus Endorsed By the Lower House of Assembly 6.th April 1762

Read the first time & ordered to lye on the Table

Signed ꝑ Order John A. Thomas Cl. Lo. Ho

By the Lower House of Assembly 10.th April 1762

Read the second time and will pass

Signed ꝑ Order John A. Thomas Cl. Lo. Ho.

Read in this House & passed for Engrossing

An Act to enable James Hollyday legal Representative of James Hollyday Esq.r dec'd late Treasurer of the Eastern Shoar to draw Bills for the money therein mentioned

Adjourned till to Morrow Morning ten of the Clock

April 14 Wednesday Morning 14.th April 1762

This House met again according to adjournment

Present as yesterday except Col. Lloyd

His Excellency the Governor Communicates to House the following Message

p. 34 Gentlemen of the Upper House of Assembly

The Commissary General having by letter informed me that the external Wall of the south porch of the Court where the Records & papers of his are kept is in so ruinous a Condition that without speedy Repairs that Office and the Records and and Papers there will be entirely open to the Embezlement of any Person and to the Weather I think it my duty to recommend it to both Houses to appoint a Committee to inspect the Publick Buildings and to appropriate such a sum as may be necessary to make such Repairs in all the Buildings as me be thought expedient.

Hor:° Sharpe

Read the Petition of Zacheus Barrett praying as Petition sent by Benedict Calvert Esq^r

Read the first & Second time by Especial Order the following Bills

A Bill Entituled an Act continuing an Act Entituled an Act for the more effectual destroying of Squirrels & Crows in the Counties of Kent Queen Anns & Talbot and for destroying Red Foxes in the said Counties

An Act continuing an Act Entituled an Act for destroying of Crows and Squirrels in particular Counties

An Act continuing an Act entituled an act for repairing the Publick Roads in this Province & the Supplementary Act thereto

An Act to impower the Justices of Somerset and Worcester Counties to levy on the Taxable Inhabitants of Coventry Parish partly in Somerset & Worcester Counties the quantity of 62400 Weight of Tobacco for the Uses therein mentioned p. 35

An Act continuing An Act Entituled an Act for the Relief of such Persons as cannot find Surety for their Appearance to testify as a Witness against any Person arrested accused or prosecuted for any Criminal Matter

An Act for Erecting a Publick Warehouse at Vienna Town in Dorchester County Sent to the Lower House by Rich.^d Lee Esq^r

Read the first time in this House an Act continuing an act entituled an act to make it penal to forge or Counterfeit the Bills of Credit of Virginia Pennsylvania & New [-York, etc] & will not Pass Sent to the Lower House by Samuel Chamberlaine Esq.^r

Adjourned till 3 of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

Read the first & Second time by Especial order the Act to Enable James Hollyday legal Representative of James Hollyday Esq^r dece^d late Treasurer of the Eastern Shoar to draw Bills for the Money therein mentioned passed & sent to the Lower House of Assembly by John Ridout Esq.^r

Read the following Petitions, the Petition of the Inspectors at Emersons Warehouse in Talbot County the Petition of Inspectors at John Howard & Edward Day Inspectors of Joppa & Fork Warehouses in Baltimore County the Petition of the Vestrymen & others

U. H. J. Liber No. 36 April 14 Inhabitants of Port Tobacco Parish in Charles County and referred to the Lower House of Assembly & Sent by Stephen Bordley Esq^r

Mess^rs Lloyd and Hynson Attend with M.^r Simon Wilmer member for Kent County to see him Qualified who takes the Oaths to p. 36 the Government Appointed to be taken by Act of Assembly repeats and Subscribes the Abjuration and Test and then with draws.

Adjourned till to morrow morning ten of the Clock

April 15 Thursday Morning 15^th April 1762

This House met Again According to Adjournment

Present as Yesterday

Adjourned till 3 of the Clock in the afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

Adjourned till to morrow morning ten of the Clock

April 16 Friday morning 16^th April 1762

This House met again according to Adjournment

Present as Yesterday

The following Message is sent to the Lower House by Benedict Calvert Esq.^r

By the upper House of Assembly 16^th April 1762

Gentlemen

His Excellency having recommended it to us to appoint a Committee of Both Houses to join such members as may be appointed to Inspect the Publick Buildings in order that such repairs may be made as shall be thought necessary we have there upon nominated Rich.^d Lee Esq.^r to join such Members as you shall appoint for that purpose

Signed ℘ Order John Ross Cl. Up. Ho

p. 37 Adjourned till 3 of the Clock in the afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the morning and Col.^o Lloyd

A Message by Mess.^rs Tilghman and Mackall

By the Lower House of Assembly 16^th April 1762, May it please your Honours U. H. J. Liber No. 36 April 16

Your Message of the 13th Instant is matter of real concern to us, as [*The message beginning thus is printed in the Lower House journal, pp. 127-130*]

Read & Assented to by the Upper [sic] House of assembly p. 42

Signed ꝑ Order John Ross C.l. Up. Ho.

Adjourned till to Morrow Morning ten of the Clock p. 43

Saturday morning 17.th April 1762 April 17

This House met again according to Adjournment

Present as Yesterday

Samuel Chamberlaine Esq.r Brings the following Report

Maryland ss.s

At a Committee of both Houses of assembly appointed to Inspect the office and Proceedings of the Commissioners for Emitting Bills of Credit Established by Act of Assembly

Were Present

The Honorable Samuel Chamberlaine Esq.r of the Upper House

M.r Walter Dulaney
M.r Rob.t Lloyd
M.r Mich.l Earle
M.r Brice T B Worthington
M.r John Hanson
M.r Josias Beall Junr
M.r Jn.o Truman Stoddert
M.r Tho.s Ringgold
M.r Charles Graham
M.r Henry Hall

of the Lower House

Who make choice of and appoint the Honourable Samuel Chamberlaine Esq..r Chairman and Robert Couden their Clerk and agree to make the following Report, viz..t

Your Committee make Report to your Honours that they have since their meeting Counted and Burnt the sum of Twenty One Thousand, three hundred and Twenty, Pounds, Nine shillings and Six pence part of the Money brought into the Office & directed to be Burnt and destroyed by the Act for granting a Supply of forty Thousand Pounds, for his Majestys Service & Striking Thirty four Thousand and fifteen Pounds six Shillings thereof in Bills of Credit, p. 44 and raising a fund for Sinking the same

All which is submitted to the Consideration of both Houses of Assembly this 15th April 1762

Samuel Chamberlaine
Walter Dulaney
Robert Lloyd
Michael Earle
Brice T B Worthington
John Hanson
Josias Beall Junr
John Truman Stoddert
Thomas Ringgold
Charles Graham
Henry Hall

U. H. J. Liber No. 36 April 17 Read the Petition of the Subscribers and other Petitioners for a Town at Elk Ridge Landing Referred to the Lower House & Sent by Col.º Lloyd, The following Message by Mess.rs Dulaney & D. Steuart By the Lower House of Assembly 17.th April 1762
May it Please your Honours.

This House have appointed M.r Worthington M.r Dulaney and Doct.r Steuart to join Richard Lee Esqr from your House for the Purposes mentioned in your Message of the 15th Instant [*condition of public buildings*]

Signed ꝑ Order Jn.º A Thomas C.l. Lo. Ho.

A Bill from the Lower House by Mess.rs Lloyd & Waring Entituled an Act for raising two pence Sterling for Every Hogshead of Tobacco exported out of this Province for the Support of An Agent at London for the service of this Province thus Endorsed

By the Lower House of Assembly 17th April 1762

Read the first & Second time by Especial Order & will Pass

Signed ꝑ Order Jn.º A Thomas C.l. Lo. Ho.

p. 45 Read the first time in this House and Ordered to lye on the Table

Adjourned till 3 of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

A Bill by Mess.rs Goldsborough and Hayward an Act for the Advancement of Justice, thus Endorsed

By the Lower House of Assembly 5th April 1762

Read the first time and Ordered to lye on the Table

Signed ꝑ Order Jn.º A. Thomas C.l. Lo. Ho.

By the Lower House of Assembly 1762,

Read the Second time and will Pass

Signed ꝑ Order Jn.º A. Thomas C.l. Lo. Ho.

Read the first time in this House and Ordered to lye on the Table

Three Bills from the Lower House of Assembly by Messrs Worthington and Johnson, A Bill Entituled an Act to remedy an Amission in the Testament and last will of Henry Woodward deceased, an Act to change the Name of Zacheus Barrett to that of Onion an Act to impower William Clajon and Mary his Wife Adm..s of Gamaliel Butler to sell a Lott of Ground and three Dwelling Houses Situate in the City of Annapolis for the Payment of the Debts of the said Gamaliel Butler thus Endorsed,

By the Lower House of Assembly 16.th April 1762.

Read the first time and Ordered to lye on the Table, U. H. J. Liber No. 36 April 17

Signed ꝑ Order Jn.° A. Thomas C.l. Lo. Ho.

By the Lower House of Assembly 17.th April 1762.

Read the second time and will Pass p. 46

Signed ꝑ Order Jn.° A. Thomas C.l. Lo. Ho.

Read the first time in this House and Ordered to lye on the Table

Adjourned till Monday Morning ten of the Clock

Monday Morning 19.th April 1762. April 19

This House met according to Adjournment

Present

Benjamin Tasker Esq.^{r}	Benedict Calvert Esq.^{r}
Saml. Chamberlaine Esq.^{r}	Col.° Henry
Col.° Lloyd	Stephen Bordley Esq.^{r}
Richard Lee Esq.^{r}	John Ridout Esq.^{r}

Read the second time the 3 following Bills One Entituled an Act to change the Name of Zacheus Barrett to that of Onion an Act to remedy an Omission in the Testament and last will of Henry Woodward deceased An Act to impower William Clajon and Mary his Wife Adm:^{rs} of Gamaliel Butler to sell a Lott of Ground and three Dwelling Houses Situate in the City of Annapolis for the Payments of the debts of the said Gamaliel Butler passed and sent to the Lower House by Stephen Bordley Esq:^{r}

A Bill from the Lower House by Mess..^{rs} Steuart and Worthington, Entituled an Act for the Naturalization of Col.° Henry Bouquett and Frederick Victor thus Endorsed

By the Lower House of Assembly 16.th of April 1762

Read the first time and Ordered to lye on the Table

Signed ꝑ Order Jn.° A. Thomas C.l. Lo. Ho.

By the Lower House of Assembly 17.th April 1762.

Read the second time and will Pass p. 47

Signed ꝑ order Jn.° A. Thomas C.l. Lo. Ho.

Read the first and second time in this House and passed and sent by Richard Lee Esq:^{r}

A Bill from the Lower House by Mess.^{rs} Baker and Cresap Entituled an Act for the Preservation of the Breed of Fish in the river Susquehannah thus Endorsed,

By the Lower House of Assembly 5.th April 1762,

Read the first time and Ordered to lye on the Table

Signed ꝑ Order Jn.° A. Thomas C.l. Lo. Ho.

U. H. J.
Liber No. 36
April 19

By the Lower House of Assembly 17th April 1762.

Read the second time and will passs

Signed ℘ Order John A. Thomas C.l. Lo. Ho.

Read the first and second time in this House and Passed and Sent by Richard Lee Esq:r

A Bill from the Lower House by Messrs Baker and Cresap Entituled an Act for the Preservation of the Breed of Fish in the River Susquehannah thus Endorsed

By the Lower House of Assembly 5.th April 1762

Read the first time and Ordered to lye on the Table

Signed ℘ Order Jn.o A. Thomas C. l. Lo. Ho.

By the Lower House of Assembly 17.th April 1762.

Read the Second time and will Pass

Signed ℘ Order Jn.o A Thomas C. l. Lo. Ho.

Read the first time in this House and Ordered to lye on the Table

A Bill from the Lower House by Mess..rs Hanson & Smallwood p. 48 Entituled an Act for impowering the Justices of Charles County to levy on the Taxable Inhabitants of Port Tobacco Parish in the said County a Quantity of Tobacco for the uses therein Mentioned thus Endorsed

By the Lower House of Assembly 19th March 1762

Read the first and Second time by Especial Order and will Pass

Signed ℘ Order John, A Thomas C. l. Lo. Ho.

Read the first and Second time in this House and Passed & Sent by Richard Lee Esq.r

Adjourned till 3 of the Clock in the afternoon

Edem Die post Meridiem

This House met again according to Adjournment

Present as in the morning

Adjourned till to Morrow Morning ten of the Clock

April 20 Tuesday morning 20.th April 1762,

This House met again according to Adjournment

Present as in the morning

Three Bills from the Lower House by Mess.rs Gant & Deye an Act for better Securing the Duty of One Shilling and three pence Sterling ℘ Hogshead on Tobacco imposed by an Act for emitting and making Current 90,000 Current Money of Maryland in Bills

U. H. J.
Liber No. 36
April 20

of Credit and all other monies received by the Naval Officers belonging to the Publick, An Act to impower Mary Stansbury Widow and Admx. with the Will annexed of Tobias Stansbury to sell the Lands therein Mentioned for the payment of the debts of the said Tobias Stansbury

An Act to establish a Market at the Market House in Chester Town in Kent County and for the Regulation of the said Markett thus Endorsed,

By the Lower House of Assembly 16.th April 1762 p. 49

Read the first time and Ordered to lye on the Table

Signed ꝑ Order John. A Thomas C.l. Lo. Ho.

By the Lower House of Assembly 20. April 1762

Read the Second time and will Pass

Signed ꝑ Order John. A. Thomas C. l Lo. Ho.

Read the first time in this House and Ordered to lye on the Table

Adjourned till 3 of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

Read the Petition of the Rector Vestymen Church Wardens and Parishioners of Prince Georges Parish in Prince Georges County and Referred to the Consideration of the Lower House of Assembly sent by Benedict Calvert Esq:r Two Bills from the Lower House by Mess..rs Goldsborough and Gray an account impowering the Justices of Baltimore County Court to assist and levy a Sum of Current Money and for other Purposes therein mentioned

An Act for issuing Writts of Replivin out of the County Courts of this Province this Endorsed

By the Lower House of Assembly 16.th April 1762,

Read the first time and Ordered to lye on the Table

Signed ꝑ Order John. A. Thomas. C.l. Lo. Ho.

Read the first time in this House the Baltimore County Bill and an Engrossed Bill Entituled an Act to Change the Name of Zacheus Barrett to that of Onion thus Subscribed,

By the Lower House of Assembly 19.th April 1762 p. 50

Read and assented to

Signed ꝑ Order Jn.o A Thomas C.l Lo. Ho.

Read and assented to by this House and Ordered to be so Subscribed a Bill from the Lower House by Mess..rs Steuart and

U. H. J. Liber No. 36 April 20 Ringgold Entituled an Act for Tryal of all matters of Fact in the Severall Counties where they have arisen or shall arise thus Endorsed

By the Lower House of Assembly 17.th April 1762.

Read the first time and Ordered to lye on the Table

Signed ℘ Order John. A Thomas Cl. Lo. Ho.

By the Lower House of Assembly 17.th April 1762

Read the second time and will Pass

Signed ℘ Order John. A Thomas Cl. Lo. Ho.

Nine Engrossed Bills from the Lower House by Mess.rs Goldsborough and Edmondson

An Act continuing an Act entituled An Act to enable the Several & respective County Clerks within this Province to remove some of the County Records and Papers from the Publick Offices

An Act Continuing an Act entituled an Act for distroying or Crows and Squirrels in Particular Counties,

An Act to enable James Hollyday legal Representative of James Hollyday Esq:r deceased late treasurer of the Eastern Shore to draw Bills for the Money therein Mentioned an Act to impower the Justices of Somerset and Worcester Counties, to levy on the Taxable Inhabitants of Coventry Parish Partly in Somerset and Worcester Counties the Quantity of Sixty two thousand four hundred Pounds of Tobacco for the Uses therein Mentioned

p. 51 An Act continuing an Act entituled an Act for repairing the Publick Roads of this Province and the Supplementary Act thereto

An Act continuing an Act entituled an Act for the more effectual destroying of Squirrels and Crows in the Counties of Kent, Queen Anns, and Talbot, and for destroying red foxes in the said Counties

An Act continuing an Act entituled an Act for the relief of Such Persons as cannot find surety for their appearance, to testify as a Witness against any Person arrested accused or Prosecuted for any Criminal Matter

An Act for erecting a Publick Warehouse at Vienna Town in Dorchester County

An Act to change the Name of Zacheus Barrett to that of Onion

Adjourned till to morrow morning ten of the Clock

April 21 Wednesday Morning 21.st April 1762.

This House met again according to Adjournment,

Present as yesterday

Read a second time in this House An Act to impower Mary Stansbury Widow and Admx with the Will annexed of Tobias

Stansbury to sell the Lands therein mentioned for the Payment of the Debts of the said Tobias Stansbury Passed and sent by John Ridout Esq:r U. H. J. Liber No. 36 April 21

A Bill by Mess:rs Dulaney and Graham Entituled an Act for the Speedy and effectual Publication of the Laws of this Province and for the Encouragement of Jonas Green of the City of Annapolis Printer thus Endorsed,

By the Lower House of Assembly 20.th April 1762

Read the first time and Ordered to lye on the Table

Signed ꝑ Order John. A Thomas Cl. Lo. Ho. p. 52

By the Lower House of Assembly 21st April 1762

Read the second time and will pass

Signed ꝑ Order John. A. Thomas Cl. Lo. Ho.

Read the first time in this house and Ordered to lye on the Table

Two Bills by Mess:rs Dulany and Deye Entituled an Act for Building a Church in S.t James Parish in Ann Arundel County An Act to augment the salaries of the Inspectors of Elk Ridge Landing Warehouse in Ann Arundel County and Emersons Warehouse in Talbot County and for other purposes therein mentioned thus Endorsed

By the Lower House of Assembly 21.st April 1762

Read the first and Second time by Especial order in this House passed and Sent by Richard Lee Esq:r

Adjourned till 3 of the Clock in the afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the morning

A Bill by Mess:rs Tilghman and Hollyday Entituled An Act for the Continuance of Causes Standing for Tryal in the Provincial Court thus Endorsed.

By the Lower House of Assembly 21.st April 1762.

Read the first and Second time by Especial order and will Pass

Signed ꝑ Order John. A Thomas C.l Lo. Ho.

Read the Second time the Bill Entituled An Act for the Speedy & Effectual Publication of the Laws of this Province and for the Encouragement of Jonas Green of the City of Annapolis Printer passed & Sent by Samuel Chamberlaine Esq:r

Two Bills by Mess:rs Earle and Ward entituled an Additional Supplementary Act to the Act Entituled an Act for issuing and taking out of the Office of the Commissioners or Trustees Appointed for emitting Bills of Credit established by Act of Assembly the p. 53

U. H. J. Liber No. 36 April 21 Sum of 4500 [pounds] Current Money for Encouragement of such able bodied freemen as shall Voluntarily enlist them selves into his Majesty's Service for the intended Expedition against Canada and for Maintaining and conveying them to the place of Rendezvous as also for replacing the said Sum and for the better regulating of Ordinaries and Ordinary keepers and for Other purposes therein Mentioned thus Endorsed

By the Lower House of Assembly 21.st April 1762

Read the first time and Ordered to lye on the Table

Signed ꝑ Order John. A Thomas Cl.. Lo: Ho:

By the Lower House of Assembly 21.st April 1762.

Read the Second time and will pass

Signed ꝑ Order John. A Thomas Cl.. Lo. Ho:

An Engrossed Bill from the Lower House Entituled an Act impowering the Justices of Charles County to levy on the Taxable Inhabitants of Port Tobacco Parish in the said County a Quantity of Tobacco for the Uses therein Mentioned thus Subscribed

By the Lower House of Assembly 21.st 1762

Read and assented to

Signed ꝑ Order John. A Thomas Cl: Lo. Ho:

Read and assented to by this House and Ordered so Subscribed

Adjourned till to Morrow Morning ten of the Clock

April 22 Thursday Morning 22 April. 1762.

This House met again according to Adjournment

p. 54 Present as yesterday

Eight Engrossed Bills from the Lower House by Mess:rs Plater & Gray

An Act impowering the Justices of Charles County to levy on the Taxable Inhabitants of Port Tobacco Parish in the said County a Quantity of Tobacco for the Uses therein mentioned

An Act to remedy an Omission in the Testament and last Will of Henry Woodward deceased

An Act for the Speedy and effectual Publication of the Laws of this Province and for the Encouragement of Jonas Green of the City of Annapolis Printer

An Act impowering the Justices of Baltimore County Court to assess and levy a Sum of Current Money and for other purposes therein mentioned

An Act to augment the Salaries of the Inspectors at Elk Ridge Landing Warehouse in Ann Arundel County and of the Inspectors

U. H. J.
Liber No. 36
April 22

at Emerson's Warehouse in Talbot County and for other Purposes therein Mentioned

An Act to impower Mary Stansbury Widow and Admx with the Will annexed of Tobias Stansbury late of Baltimore County to sell the Lands therein Mentioned for the payment of the Debts of the said Tobias Stansbury

An Act for Building a Church in S.^{t} Jame's Parish in Ann Arundel County,

An Act for the Naturalization of Col.^{o} Henry Bouquet and Frederick Victor Severally thus Subscribed

By the Lower House of Assembly 22. April 1762

Read and Assented to

Signed ꝑ Order John. A Thomas Cl, Lo, Ho.

Read and Assented to by this House and Ordered to be so Subscribed a Bill by Mess.^{rs} Tilghman and Hollyday Entituled an Act for the Continuance of Causes Standing for Tryal in the Provincial Court thus Endorsed

By the Lower House of Assembly 21. April 1762 p. 55

Read the first and Second time by Especial Order and will Pass

Signed ꝑ Order John. A Thomas Cl, Lo, Ho,

Read and assented to by this House and sent to the Lower House by Col.^{o} Henry

A Bill by Mess :^{rs} Earle and Ward Entituled an Additional Supplementary act to the act Entituled an Act for Issuing and taken out of the Office of the Commissioners or Trustees appointed for emitting Bills of Credit Established by Act of Assembly the Sum of 4500 [pounds] Current Money for the incouragement of Such able bodyed freemen as shall voluntarily inlist them Selves into his Majesty's Service for the intended Expedition against Canada and for maintaining and conveying them to the Place of Rendezvous as also for replacing of the said Sum and for the better regulating of Ordinaries and Ordinarykeepers and for other Purposes therein Mentioned thus Endorsed

By the Lower House of Assembly 21. April 1762.

Read the first time and Ordered to lye on the Table

Signed ꝑ Order John. A Thomas Cl, Lo, Ho,,

By the Lower House of Assembly 21. April 1762

Read the Second time and will pass

Signed ꝑ Order John. A Thomas Cl, Lo. Ho.,

Adjourned till to Morrow Morning ten of the Clock

U. H. J.
Liber No. 36
April 23

Friday morning 23. April 1762

This House met again according to Adjournment

Present as Yesterday

Five Bills by Mess..rs Hanson and Harris One Entituled an Act p. 56 to prevent any future Loan of the Bills of Credit in the Paper Currency Office and to ease the Inhabitants of this Province in the Payment of Certain Taxes

An Act for the Security of the Publick Records and Papers

An Act to ease the Land Tax, An Additional Supplementary act to the Act for Stay of Execution after the tenth Day of May yearly

An Act for Destroying Crows and Squirrels in Baltimore County thus Endorsed

By the Lower House of Assembly 23. April 1762.

Read the first and Second time by Especial order and will pass

Signed ꝑ Order John, A Thomas Cl, Lo. Ho,,

Read the first time in this House and Ordered to lye on the Table

The Journal of the Committee of Accts brought from the Lower House by M.r John Goldsborough and others thus Subscribed,

By the Lower House of Assembly 23. April 1762

Read and assented to by the Lower House of Assembly

Signed ꝑ Order John, A Thomas Cl, Lo. Ho

Read and will not be assented to by this House sent by Col.o Henry

Signed ꝑ Order John Ross Cl, Up Ho,

Read the second time in this House an Act to establish a Market at the Markethouse in Chester Town in Kent County and for the regulation of the said Markett and will pass in Page 2d Line 3d Leave out all that follows the words Small Debts to the end of the Section and insert the following to be paid to such Persons as shall by the Justices of Kent County be appointed Clk. of the Markett in Chester Town to be by him applyed to the Repairs of the said Marketthouse Leave out the Last Enacting Clause sent by Stephen p. 57 Bordley Esq:r

Read the Second time the Bill Entituled an act for the Preservation of the Breed of Fish in Susquehannah and will Pass the forfeitures by the said Bill being applied in the following Manner One third Part thereof to the Right Honble. the Lord Proprietary for the Support of a Governor One Third Part to his to his Lordships Governor for the time being residing in this Province and One third Part to the Informer and sent by Richard Lee Esq:r

Signed ꝑ Order John Ross Clk. Up. Ho,,

Richard Lee Esq:r Brings the following Report U. H. J. Liber No. 36 April 23

By the Committee Appointed to Inspect the Publick Buildings in the City of Annapolis

Your Committee having Inspected the Publick Buildings in the City of Annapolis do find the same as follows to wit

That the Commissarys Office wants Plaistering which we conceive is occasioned by the rain Waters driving in at the windows of the upper Story and Coming down thro the floor and by the rain that is drove thro the Arch over the front Dore of the Court House, & also that the said Office wants divisions in the shelves to prevent the Books from pressing upon each other that the Chancery Office wants Glazing and Plaistering that the Provincial Office wants the same

That the Council Office wants the same and the Partition wants Nailing & that the floor of the said Office is out of Repair That the Cupula wants a Door and to be boarded on one side and a new Flagg Staff. That the Corporation Office wants Plaistering and Glazing, That the Jury Rooms Want the same, That the steps that lead up p. 58 to the Offices are much out of repair, That the back entry of the Court House wants Plaistering and flooring and that the Plat form around the Back door of the Courthouse is out of repair and that the Court House Doors Frames and sills both in the front and Back are much out of Repair

That the Wall all around the Parade is in aruinous Condition, That the Repository for the Old records wants covering, that the Outside corner of the Conference Chamber wants repair, That the paved Channell that Conveys the water from the Council Chamber is out of repair That a corner of the Paper Currency Office wants repair, The roofs of the rooms over the Conference and Council Chambers want Repairing and large boards and the windons Glazing That the Conference Chamber wants Glazing and Plaistering and one of the Closets of the said Chamber wants window Shutters, That the Council Chamber wants Several new planks in the Floor and the Casing of the Pillars of the outward doors wants repairing, That the Court House wants Glazing and Pointing in many Places and some repairs in the Foundation, Your Committee begs leave to report further that the Commissarys Secretary and Land Offices are much too small for the regular disposition of the Books and Papers belonging to those Offices and for the Convenient carrying on of the Business in the same Offices all which is Humbly Submitted to the Consideration of Your Honourable House

Signed ꝑ Order John Rogers Clk

An Engrossed Bill by Mess:rs Tilghman and Hoyward

An Act to impower William Clajon and Mary his Wife Admx of Gamaliel Butler late of the City of Annapolis to sell a Lott of p. 59

U. H. J. Liber No. 36 April 23 Ground and three Dwelling Houses for the payment of the Debts of the said Gamaliel Butler Shus Subscribed

By the Lower House of Assembly 23. April 1762.

Read and assented to by the Lower House of Assembly

Signed ℘ Order John. A Thomas Clk, Lo.. Ho,,

Adjourned till 3 of the Clock in the afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

Read the second time in this House the Bill Entituled an Act to Prevent any future Loan of the Bills of Credit in the paper Office and to ease the Inhabitants of this Province in the Payment of Certain Taxes and will pass with the following Amendments Leave out from the word officer in the 17 Line to the words and in the 20 Line, and insert the following, When he Accounts for and pays into the Office afs^{d} the Money by him received in Virtue of the above receited Acts shall at the foot or on the Back of his Accounts produce over and above the Usual Probat a Probat under the hand of some Provincial or County Justice to this Effect viz:^{t} That the Paper Money which he has Debited him self in his said Account is the Amount of all the Paper Money which he received from the People by Virtue of the Acts during the time for which he Accounts, Sent to the Lower House by John Ridout Esq:^{r}

Adjourned till to morrow morning ten of the Clock

April 24 Friday morning 24th April 1762

This House met again according to Adjournment

Present as yesterday and Col.^{o} Hammond

p. 60 An Engrossed Bill by Mess:^{rs} Mackall and Warring an Act to establish a Markett at the Markett House in Chester Town in Kent County and for the regulation of the said Markett thus Subscribed,

By the Lower House of Assembly 24. April 1762

Read and assented to

Signed ℘ Order Jn.^{o} A. Thomas Clk Lo. Ho,,

Read and assented to by this House and Ordered to be so Subscribed

Benjamin Tasker Esq:^{r} attended by the Members of this House Presents to his Excellency the following address

To His Excellency Horatio Sharpe Esq:r Governor and Commander in Chief in and over the Province of Maryland, U. H. J. Liber No. 36 April 24

The Humble Address of the Upper House of Assembly

May it Please Your Excellency

That you may be able to judge of the Present Disposition of the Majority of those who have been chosen by the People of this Province to represent them in Assembly or rather of the few Gentlemen by whose Opinion that Majority seems to be directed, and that you may know how Little probability there is of the Business being done for which the Assembly was at this time convened, we take the Liberty to present to Your Excellency a Copy of a message which was brought Us the 16 of this Month from the Lower House, by way of Answer to one that was sent to them by this House, at the time we returned, with a Negative, the Supply Bill they had offered Us; Finding upon our reading this Bill, that it was framed on the same vicious Plan, on which all the Bills for granting Supplies for his Majesty's Service, which have been offered by the Lower House for these last four Years were framed, & with Respect to the material parts of it, very little different from that which His p. 61 Majesty's late Attorney General, the present Lord Chief Justice Pratt, in the opinion Communicated by your Excellency to both Houses of Assembly two Years ago, held to be such a one as ought not to have been passed into a Law, We thought it would answer no good End to propose Amendments since the little regard that House had paid to the Sentiments of this Communicated to them in two long Messages in the year 1758 left Us no room to except they would now remove the Objections we may have repeated and therefore as we think was our duty we Signified to them that their Bill would not Pass intimating to them at the same time that if they were really Desirous to comply with his Majesty's Requisitions made known to them at the Opening of this Session it would be an easy Matter for them to prepare a Bill for raising such a Sum as would be Sufficient for the purpose by some more Simple Mode of Taxation, from this General Intimation of Ours, Your Excellency will perceive the Gentlemen have agreable to their Usual Candour and Ingenuity taken Occasion with a view we presume of Misleading their Constituents to Suggest that by some Simple mode of Taxation we mean any Mode that would Leave the Estate of the Lord Proprietary of the Offices in this Government untouched or as they are pleased to Speak very Complaisantly handled, as if it was impossible for them to have Taxed either His Lordships Estate or those Offices otherwise than by such an intricate perplexed and unequal Bill as that House in order to manifest their Superlative Zeal for the Kings Service seem Determined to Adhere to, Had they been really of Opinion That those two Natives [sic] induced Us to p. 62 treat their Bill in the Manner we have now done for the Ninth time

U. H. J. Liber No. 36 April 24 why would they not Obviate the many other Objections [t]his House had made to it or have at least endeavoured to shew us the propriety of those parts of the Bill to which Exceptions had been taken, That this House never did since the Bill was brought on the Carpet object to the Lucrative Offices within this Government being Subjected to a reasonable and proportionable tax when the Design of Laying such a Tax was to raise and Support Troops for his Majesty's Service will Appear to any one that will take the Trouble to read in the Journal of the Lower House the Messages that Passed between the two Houses in April 1758, and the same Message will shew that so far as we thought was agreable to reason & Common Justice we had no Objection to their Taxing the Proprietary Estate but tho we were Satisfied his Lordship from his Zeal for his Majesty's Service and Solisitude to promote it would chearfully contribute his Proportion or even some what more than his Proportion of Any Sums which the Inhabitants of this Province should be inclined to grant for that Purpose Yet we could not in Conscience consent to his being Subjected to so unequal a Burthen as we observed the Majority in the Lower House were Contriving to lay on him, nor did we chuse to do an Act of Injustice left forsooth some Evil minded discontented Persons should take Occasion from our refusing to assent to a measure which we thought inequitable to asperse our own Characters or caluminate the Proprietary If the People throughout the Province are so universally fond of this new System (which the Gentlemen themselves admit to be an intricate One) as they would p. 63 Insinuate is it not Strange that it should have so many Opponents in their own House and that even the Members returned by the same Counties should be divided thereupon; but was the Majority of Votes even in every County so Captivated with it as to have given their Representatives Instructions to grant Money on no other Terms such a proceeding would not have had Any influence on this House unless their Constituents should in such Instructions have furnished them with Arguments Sufficient to Convince us that the Bill was an equal just & reasonable one Capable of being easily carried into Execution and not Calculated to create Disorder and Confusion among the Inhabitants or in other Words a Bill Quite the reverse of what it at present appears to Us, As the Gentlemen in the Message which Accompanied their Bill gave us to understand that we were to consider their permitting us to amend a Money Bill in the light of a Concession we would have taken the Oppertunity to shew them that from the first Settlement of the Province down to the time when the last Money Bill was Passed by this Legislature the Upper House had as often as amendments to such Bills were thought Expedient Exercised their Right of Proposing amendments to them and moreover that Money Bills had Frequently Originated in this House and often been Framed by a Committee of both Houses that this has been the Constant Practice in this Province the Records and Journals would leave them no room to Doubt, they chose therefore to wave that Matter and unable to give a better Answer to that part of our Message exclaim loudly against their infatuated Predecessors and Ancestors for not having had such foresight, been Actuated by the same kind of Spirit, or been possessed of so large a share of knowledge as these gentlemen are Pleased to think has fallen to their own Lott for had that been the case they are it seems persuaded that our Constitution would have been settled on a very different Plan from what it is at present, On such a one indeed as would have vested them selves with little less than all the Powers of Government both Legislative and Executive, But what ever may be the Sentiments of these men about Forms of Government Confident are we and we have the Satisfaction to know that we are far from being alone in this Opinion that the Alterations they would be for making in the Form Established in this Province would Contribute very little to the advancement of the true Interests and happiness of the People But on the Contrary be promotive of Tyranny and appression, In that Opinion of Lord Chief Justice Pratt which we have already Mentioned he says when speaking of the Lower House of Assembly's Claiming a Right because it was exercised by the House of Commons; The Upper house Should take care how they Admit Encroachments of this kind where they are Supported by arguments drawn from the Exercise of like rights in the House of Commons here the Constitutions of the two Assemblies differ Fundamentally in many Respects, our House of Commons stands upon its Own Laws the Lex Parliamenti; whereas Assemblies in the Colonies are Regulated by their respective Charters Usages and the Common Law of England and will never be allowed to assume all those priviledges which the House of Commons are intitled to justly here upon Principles that neither can nor must be applied to the Assemblies of the Colonies and again in the same Opinion I shall only add here a general peice of Advice to Lord Baltimore That in this disposition of the Lower House to assume to themselves any Priviledge which the English House of Commons enjoy here his Lordship should resist all such attempts where they are unreasonable with Firmness and should never allow any Encroachment to be established upon the weight of that argument singly; for I am satisfied neither the Crown nor the Parliament will ever suffer these Assemblies to erect themselves into the Power and authority of the British House of Commons how little regard the Gentlemen pay to this Opinion their Proceedings & their Message shew there are some among them who want to exercise without Control Powers that far exceed any Claims of the British House of Commons such as if they were to be once admitted would we are Persuaded in the End prove fatal to this County: We are Satisfied (say the Lords of Trade in their Report on the Pensylvania Acts of Assembly which were about two years ago dissented to) that there is nothing so

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Liber No. 36
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p. 64

p. 65

U. H. J. Liber No. 36 April 24 likely to preserve the Tranquillity of the Province it self or its Dependance upon the Mother Country as the Maintaining with a Strict and Steady hand the Necessary Powers just Prerogatives of the Crown and the Preferring an Uniform and Settled principle of Government to an Occasional Departure from it for temporary Convenience, every Days Experience convinces us that it is in vain to Negotiate away His Majesty's Prerogative, every new Consesion becomes the Foundation of some new Demand, and that my Lords of some new Dispute Convinced of the Justice of their Lordships Observation Cautioned by their Censure of the Proprietors of that Province for suffering a popular Assembly to make exorbitant Acquisitions of Power and encouraged by your Excellency's Example of Fortitude in withstanding the unwarrantable attempts of those Men among us who are grasping at Powers which p. 66 do not belong to them we shall on all Occasions oppose their unjustifiable Measures and as far as shall be in our power preserve for posterity our Constitution unaltered with regard to the latter part of the Gentlemens Message we beg leave to observe that finding the whole expence of raising Cloathing and Paying the Number of Men which they had Voted in Consequence of your Excellency's Recommendation would not amount to one third part of the Sum they Proposed by their Bill to Raise and knowing that the Necessity of raising a large Sum is the Principal Argument those of them who are fond of Innovations urge to their Constituents in Justification of their Conduct and in favour of such a Bill we could not Help intimating to them our Sentiments on that head, we did indeed perceive that by the Bill they had appropriated apart of the money proposed to be raised towards defraying some other Expences viz:^{t} the arrears due to the Maryland Troops that Contrary as we have Reason to believe to the Inclination of the Lower House Served under Brigadier Forbes in his Expedition against Fort Du Quesne and also the Arrears due or which have been paid by his Majesty's General to the Gentlemen that victualled those Troops during the Winter Before that Expedition, but as it was no secret to either that House or Us, that when it was evident the Troops were to expect no other pay from the Assembly besides naked resolves An Order was thro your Excellency's humane and kind Offices obtained from the Lords of the Treasury for the payment of such Arrears we could not see the Expediency of the Assemblys now appropriating the Sum of £14,000 for that Purpose, or view it in Any other Light than a contrivance to reserve so much Money for some Particular Use which they did not at Present p. 67 Choose to Mention, as to the Appropriation of £6,000 to pay the Militia that Your Excellency was Pleased by Virtue of the Power with which every Governor of this Province is invested to Order to the Frontiers some of them at the Request of the then Lower

U. H. J. Liber No. 36 April 24

House for the Defence and Security of the Inhabitants who were at that time exposed to the Ravages of a Savage Enemy, We are of Opinion that such an Appropriation is not to be allowed nor such Militia paid otherwise than is Particularly directed by the Militia Law lest by consenting to their being paid in any other manner we should seem to countenance the very Extraordinary Resolves which the Lower House presumed in violation of Common sense to make when in the year 1758 they seemed to have nothing so much at heart as to render this Province entirely defenseless, tho your Excellencys Firmness and Resolution happily frustrated their attempts besides the two Sums we have Mentioned there was £3,000 to be appropriated towards reimbursing those Gentlemen who were put to some expence by providing Necessary's for such of the Kings Forces as were in the year 1756, & 1757, sent hither for Winter Quarters, but as there is still remaining in the loan Office and in the Agents hands more than £2000, of the Money that was granted here in 1756, for his Majesty's Service the Persons most of whom are Gentlemen in this City who have Claims on Account of Those Troops being quartered here may have been Satisfied had an Act for granting the Sum of £15,000, being now Passed since that Sum as hath been already hinted is Considerably more than would on the Gentlemens own Calculation have been Sufficient to raise Cloathe and pay the 400 Men the[y] proposed to keep p. 68
up till 1.st April next & to raise the 84 Recruits required as the quota of this Province for the Regular Regiments as we do not know on what Rule or principal the Gentlemen of the Lower House could make a Calculation of the Sum that would be raised by such a Bill as they offered us & must confess that for our own parts we are unable to make any Estimate of the Value of all the real and personal Estate in the Province, we shall only observe with rēpect to such part of their Message that tho we are inclined to believe that if the assessors were to rate at its full Value all the property subjected by that Bill to a Tax much more than even the whole Sum proposed to be levied might be raised in One Year yet as so great a Latitude is Left to the discretion & to the partiality of the Assessors it might not be raised in several Years should they in their Valuations follow the Practice of Assessors in a Neighbouring Government This great uncertainty we cannot but consider as a very material Objection to the Plan of the Bill & we are confident Leaving the Assessors so much at large would create ill Blood and confusion among the Inhabitants already on Account of the proposal of such a Bill divided into parties in such a situation of things it would we think have been carrying our Complasance rather too far to pass a Bill so very exceptionable purely for the sake of making an experiment or for Gratifying one part of the Inhabitants whatever the Espousers of it may suggest of its being Similar to such as have been

U. H. J. Liber No. 36 April 24 p. 69 found eligible in our Mother Country or some of the Neighbouring Colonies we will venture to pronounce it in many respects extremily different in deed it cannot otherwise be Supposed that his Majestys Attorney General would have held it to be absurd or unreasonable a Breach of Publick Faith and tending to subvert the very Foundation of our Constitution, upon the whole we hope your Excellency will excuse the Liberty we take in troubling you with an Address to vindicate our Conduct & be convinced by what we have offered in our Justification that if his Majesty's Expectations of Assistance from this Province should be again disappointed (which the Terms in which the Gentlemen of the Lower House have expressed themselves in the latter part of their Message leaves us little room to doubt will be the case) it will be intirely owing to the perserveance of that House in Measures which nothing but a Determined Resolution to Evade a Compliance with his Majesty's Requisitions or to deprive this House of their Constitutional Rights and Share in the Legislature of this Province could have induced them pertinaciously to adhere to

Benjamin Tasker President

An Engrossed Bill by Mess:rs Mackall and Waring, an Act to prevent any future Loan of the Bills of Credit now in the Paper Currency Office and to ease the Inhabitants of this Province in the payment of Certain Taxes thus Subscribed

By the Lower House of Assembly 24. April 1762

Read and assented to

Signed ꝑ Order John. A Thomas Clk. Lo, Ho;

Maryland ss:s

At a Committee of Both Houses of Assembly appointed to Inspect the Office and Proceedings of the Commissioners for emitting Bills of Credit established by Act of Assembly

p. 70 Present

The Honourable Samuel Chamberlaine Esq.r of the Upper House

M.r Walter Dulany	M.r Josias Beall Jun.r
M.r Robert Lloyd	M.r John Truman Stoddert
M.r Mich.l Earle	M.r Thomas Ringgold
M.r Brice T B Worthington	M.r Charles Graham
M.r John Hanson	M.r Henry Hall

of the Lower House

Who make choice of and appoint the Honourable Samuel Chamberlaine Esq.r Chairman and Robert Couden their Clerk and agree to make the following Report viz.t

Your Committee on examining the Account of Iron Chest N.o 1. Stated in the Books of the said Office and closed to the 31.st March 1762 and comparing it with the Day Books and the Several Voachers from whence the Said Account is raised have made the following State thereof and find that there remains at the above Date in the Said Chest a Ballance of £14829..2..1¼. U. H. J. Liber No. 36 April 24

D.r Iron Chest N.o 1		
To Ballance in Iron Chest N.o1 February 6.th 1758 as ℘ Report April 5.th 1758	544..15.. 4	
To Principal Money paid in from Beby. 6.th 1758 to March 31.st 1762	6217.. 8..10	
To Interest Money paid in same time	1873..16.. 0½	
To Money paid in by sundry Sheriffs for Ordinary Licences and Fines thereon	2038.. 3.. 9½	
To Money paid in by Sundry Clerks for Pedlars Licences	312.. 2.. 0	
To Money paid in by Sundry Naval Officers for Duty on Servants and Madeira Wines	984..16.. 6½	p. 71
To Ditto paid in by Sundry Sheriffs for 2d per Gallon on Madeira Wine	38..15..10½	
To Ditto paid in by Ditto for Wheel Carriges in same time	726.. 7.. 5	
To Ditto paid in by Ditto towards replacing £200 taken out for Jonas Green	42..10.. 0	
To ditto paid in by Virtue of the Act of 1757 for the speedy payment of Sundry People therein mentioned	199..16.. 2	
To ditto taken out of Iron Chest N.o 2 in full of the Loan to it by the Act for granting £40.000 for his Majestys Service	5984..14.. 0	
To Error and Over Credit September 28. 1757 fol: 104 of £1460..14..0 being put unto Iron Chest N.o 2 and the Sum of £460..16..0 Only due difference	999..18.. 0	
To Money paid by Richard Young for 7 Years Rent of Freeborns Progress, being part of the Lands made Fierefacias as the Estate of William Cummings Esq:r deceased in discharge of his Bonds to Office after Deducting the Sum of 3216 for Quit Rents for Said Lands by Richard Young	33.. 7.. 6	
To Money paid in by John Stevens being for two lots Ground lying in Annapolis Made from the Estate of William Cummings Esq.r as above and sold to Said Stevens	150..10.. 0	
To Money paid in by the Justices of Prince Georges County	3.. 4.. 6	
	£20420.. 6.. 0	

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C:r Iron Chest N.o 1.

By Money lent upon Interest from February 6.th 1758 to March 31.st 1762 inclusive..........	3887..16.. 5½
By ditto paid the Commissioners at Sundry times their Salary in quarterly payments for Same time	1080..—..—
By ditto paid the Clerk his Salary in Same Manner	364.. 3..10
By ditto paid ditto for cleaning Office for same time	28..—..—
By ditto paid for wood and other Necessary's for Office for Same time......................	25.. 4.. 7
By ditto paid Daniel Dulany and Stephen Bordley Esquires for Advice.....................	10..—..—
By ditto paid Upton Scott Sheriff of Ann Arundel County for Sheriffs and Secretarys fees in Same Manner	18..19.. 4½
By ditto paid Nathan Hammond due the Estate of John Raitt for Quit Rents and Land Tax on Lands made by fierifacias from the Estate of William Cummings	2.. 1.. 2½
By Money paid Richard Dorsey for Quit Rents on Said Lands.........................	1..16.. 7½
By ditto paid ditto for ditto on S.d Lands due Igna:ts Diggs	1..16.. 7½
By Money paid Capt.n Curling and Cap.t Chew for Primage of Two Trunks of Goods from London	4..—..—
By Money Paid to Iron Chest N.o 2. being the over plus on the Act in 1754 at Settling Accounts..	167.. 5.. 2¼
	5591.. 3..10¾
Ballance in Iron Chest N.o 1 March 31.st 1762....	14829.. 2.. 1¼
	£20420.. 6.. 0

p. 73 And your Committee thinking it their Duty to count the Said Money applied to the Commissioners or Trustees to be permitted to do so, and were answered that the Money was not Sorted properly, for Counting and that One of the Commissioners having been long sick and not able to attend the Office was the reason it was not Sorted but that they would get it done as soon as possible

Your Committee further find that no Money hath been paid into the Office in Virtue of the Act for encouragement of able bodied Freemen voluntarily enlisting into his Majesty's Service for the Expedition against Cuba since the Report in April session 1757 so that the Balance of £686..14..6 still remains due to the Office for

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Money taken out by that Act which was to have been replaced by Publick Assessment

Your Committee also find that by the report in April session 1758 there remained due to the Office by the Act of Purchasing Provisions for His Majestys Forces for the Expedition against Canada £147..12..7¾ since which time to the 30.th of August 1758 there has been paid in by Several Sheriffs for Ordinary Licences the Sum of £282..5..8 and that agreeable to the Act for his Majestys Service past in July 1754 the Ballance of £134..12..11¼ is passed to the Credit of the Account of the said Act as by the following state appears

D.r

The Publick by the Act for Purchasing Provisions for the Canada Expedition

To Ballance as ℘ Report of April Session 1758...	£147..12.. 8¾
To Ballance carried to the Credit of the Account passed for His Majesty's Service 1754......	134..12..11¼
	£282.. 5.. 8

C.r

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The Publick by the Act for Purchasing Provisions for the Canada Expedition

By Money paid by Sundry Sheriffs for Ordinary Licences to August the 30.th 1758..........	£282.. 5.. 8

Your Committee farther find that by the Report in April 1758 there remained due to the Office by the Act for His Majesty's Service passed in July 1754 the Sum of £2055..7..9¼ since which time to the 22.d October 1760 by Virtue of the Said Act there has been paid into the Office Ordinary Licences the Duty on Servants Madeira Wine Wheel Carriages Pedlers Licences and the Additional Duty on Negroes, together with the surplus arising on the Act for issuing and taken Out of the Office of the Commissioners or Trustees appointed for emitting Bills of Credit established by Act of Assembly, The Sum of Four thousand five hundred Pounds, Current Money, for Encouragement of such able Bodied Freemen as shall Voluntarily enlist themselves into His Majestys Service for the intended Expedition against Canada, and for Maintaining and Conveying them to the place of Rendezvous; as also for replacing of the said Sum, and for the Better regulating of Ordinaries and Ordinary Keepers and for other purposes therein Mentioned Passed in 1746 the Sum of £4222..4..11¾ that by the Said Act of 1754 The Sum of £900 Then in the Hands of the Treasurer of the Western Shore and the Sum of £1099..12..0 then in the Hands of the Treasurer of the Eastern shore were applied to the purposes of the Said Act and that after replacing the Said Sums of £2055..7..9¼

U. H. J. Liber No. 36 April 24 due to the Loan Office of £900 taken out of the Hands of the
Treasurer of the Western Shore and of £1099..12..0 taken out
of the Hands of the Eastern Shore there remains a Surplus of
£167..5..2½ which Sum is applied towards replacing the Sum of
p. 75 £40,000, granted for His Majesty's Service in July 1756 by Virtue
of the said Act as by the following State thereof Appears

D.^{r} Iron Chest N.^{o} 2.

To Ballance as per Account in report of Comm.^{s} April 1758	£8429..19.. 3
To Money paid in for duty on Whils and Stamps from April 1758 to the 10.th of April 1762	1883.. 5.. 4½
To ditto paid in Excise on Liquors in Same time	7433..15.. 9
To ditto paid in for Tax on Batchelors in Said time	1527..13.. 0
To ditto paid for ditto on Billiard Tables in ditto	152.. 2.. 0
To ditto for Land Tax ditto	7609..17..11¾
To ditto for dutyes on Horses ditto	124.. 1.. 9
To ditto for ditto on Servants and Negroes ditto	2289..10.. 7¼
To ditto for Ordinary Licences since the Act of 1754 for £6,000 was Compleated	1127..15.. 5
To ditto for Tax on Wheel Carriages	371.. 9.. 1
To ditto for ditto on Pedlars Licences	167..16.. 0
To ditto for Pitch Tar and Turpentine	28.. 1.. 6½
To ditto Received from Iron Chest N.^{o} 1. being the Overplus Collected by the Act of 1754	167.. 5.. 2½
	£31312..12..11½

C..^{r} Iron Chest N.^{o} 2

By Money paid Agent since report April 1758	1551..10.. 0
By ditto paid Edward Lloyd Esq:^{r} Rent Roll Keeper of the Western Shore	142..17.. 0¾
	1694.. 7.. 0¾
By ditto paid William Thomas Esq:^{r} Rent Roll Keeper of the Eastern Shore	50.. 6.. 4½
p. 76 By Money paid into Iron Chest N.^{o} 1. Borrowed from it by Act 1756	5984..14.. 0
	7729.. 7.. 5¼
By Money Burnt by report April 15.th 1762	21320.. 9.. 6
	29049..16..11¼
Ballance in Chest 10.th April 1762	2262..16.. 0¼
	£31312..12..11¼ [sic]

Your Committee also find that there remains due to the Office for Money taken out by the Act entituled a Supplementary Act to the Act for the speedy and Effectual Publigation of the Laws of this Province & for the Encouragement of Jonas Green of the City of Annapolis Printer which was to be replaced by a proportionable Assessment in the several Counties of this Province the Sum of £28.. as per the following state will appear

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D.r The Publick for the Act for the Encouragement of Jonas Green Passed September 1756

To Ballance as per Report April Session 1758.....	£70..10.. 0
C.r	
By Money paid by M Locke Sherf: of S.t Marys County	14.. 0.. 0
By ditto by James Dickson sher of Frederick County	15.. 5.. 0
By ditto by Hercules Bouth [Coutts] Sher. of Kent County	13.. 5.. 0
By ditto Still due by William Hedges Sher. of Cecil County	10..10.. 0
By ditto Still due by I Fendall Sher. of Charles County	17..10.. 0
	£70..10.. 0

Your Committee Observe that of the Several Sums due for Ordinary Licences from Sundry Sheriffs reported May Session 1758 there remains Still due from the following Sheriffs the Sums Annexed viz:t p. 77

John Risteau late Sheriff of Baltimore County....	£121..10.. 0
John Morgan late Sheriff of Said County........	26.. 2.. 6
Thomas Sheredine late Sheriff of Said County....	24.. 5.. 6
John Smith ditto of Cecil County...............	49.. 8.. 4
John Parran ditto of Calvert County............	11..17.. 6
Osborn Sprigg ditto of Prince Georges County....	131..16.. 5½
Walter Hanson ditto of Charles County..........	23..15.. 0
William Mauduit ditto of Prince Georges County..	59..19.. 4½
John Cooke late Sheriff of said County..........	96.. 6.. 3

Your Committee have Inspected the Returns and Payments of the Several Offices and Collectors of the Funds for Sinking the Six thousand pounds granted by the Act for His Majestys Service and of the forty thousand pounds granted by the Act for granting a Supply of forty thousand pounds for his Majestys Service and Striking thirty four thousand pounds and fifteen pounds Six Shillings thereof Bills of Credit and find the Several Officers and Collectors Deficient in their Dutys and under noted The Collectors of Excise for S.t Marys County for the whole Excise from the 25.th of March

U. H. J. Liber No. 36 April 24 1761 The Collectors for Land Tax for Prince Georges County from the 25th of March 1760 and the Excise from the 29th of September 1760

The Clerk of the same County has neglected to return a List of Wheel Carriages in 1760 and the Sheriff to pay it, the year before was £28..15..3 & the year after was £32..12..3 the Collector of the Excise of Charles County did not render an account of the Excise from September 1757 till November 1759 and then the whole for that time was but £16..17..8

The Sheriff for Wheel Carriages in 1760........	17..11.. 0
and for Batchelors Tax in 1760................	32..15.. 0

and for 1761 has neither returned List nor paid the Batchelors p. 78 Tax, the collector of the Land Tax of the Same County from the 25.th of March 1761 and the Collector of the Excise for same County from same time, The Sheriff of Calvert County for Batchelors Tax in 1759 and 1760, the Collector of the Land Tax from the 25.th of March 1761, The Sheriff of Ann Arundel County for fines due for Selling Liquors without Licence 1758 £4..15..0 The Sheriff of Baltimore County for Wheel Carriages 1757 £3..7..3 The Clerk of Cecil County for Stamps from July 1761, The Sheriff and Collector of Excise and Land Tax of same County has rendered no Accounts nor paid any Moneys for Wheel Carriages in 1755 and 1756 nor for Billiard Tables nor Batchelors Tax for 1756 and 1757 or for Excise or Land Tax from June 1756 to November 1757, The Collector of Excise for same County from March 1761, The Collector of Excise for Kent County has rendered no Account nor paid any Excise from June 1756 to Dec:r 1756 and the Sheriff for said County owes for Batchelors Tax in 1756 £29..14..2

for Ordinary Licences in Same year.............	35..14.. 2
and Billiard Tables..........................	11..14.. 0

The Collector of Excise for the same County has neither rendered Account or paid Excise from the 25.th of March 1759 to November 1759 nor Wheel Carriages in 1757 the amount of which was £52..13..0 The Clerk of Talbot County for Stamps from July 1761, The Sheriff of Somersett County for Batchelors Tax in 1761 and the Collector of Excise for same County from March 1761, has paid nothing The Collector of Excise for Worcester County for the Excise of part of the County from March 1760 to March 1761 and for all the Excise from March 1761 and the Collector of the Land Tax the 25,th September 1760 and the Sheriff of Billiard Tables in 1760 £2..18..6 and for Wheel Carriages £5..17..0 Your Committee do also find that on the Accounts delivered in by the Collectors of the Excise the Common probate has been that the Sum for which they then render the half years Account is the whole Sum received by them to that time, That may truly be the case when the Sum due for Liquors truly entered may be considerably more than

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they Account for, And as it does not appear that the Sheriffs do Transfer or deliver any Account of the Arrears due for Excise to their Successors, The Ballances uncollected by them during their being in Office may be lost to the Country Your Committee apprehend that by the great Disproportion of the Excise Collected in the Several Counties since that duty was established that the Collectors in some of the Counties have been very deficient in their duty and that the Matter may appear, your Committee give the following Account what each County has paid,

Saint Marys ...	£439.. 5..10	Cecil	£791..17..10¼
Charles	273..11..11¼	Kent	1205..15..10
Prince Georges .	788.. 1.. 8	Queen Anns ...	1103..12.. 4¼
Calvert	357.. 6..11¼	Talbot	830..13.. 3¾
Ann Arundel ..	1553.. 5.. 6	Dorchester	554..11.. 4¾
Frederick	808..11.. 8	Somerset	288.. 5.. 8¾
Baltimore	672.. 6.. 0	Worcester	163..18.. 1¾

Your Committee in Order to give the Honourable Houses an oppertunity of Judging of the Solvency of the Several Persons and their Securities who are Indebted to Office upon Bond or Mortgage and to shew the Principal due by the said Bonds with the Interest thereon to the year 1762, and and how farr the Commissioners have Complyed with the Directions of the Acts relative to their duty in these Respects have inserted the following List

Principal Names	Securities Names	Principal Sums on Bond & Mortgage	Interest due	
Col.^{o} Charles Hammond.	James Holliday Esquire.	£100.. 0.. 0	£4.. 0.. 0	
Michael M.^{c}Nemara ...	Walter Dulany Esq.^{r}....	100.. 0.. 0	12.. 0.. 0	
ditto..ditto	Dan:^{l} Dulany Esq:^{r}....	70.. 0.. 0	5..12.. 0	
Samuel Wilson	William Stewart	100.. 0.. 0	12.. 0.. 0	
William Stewart	Samuel Wilson	100.. 0.. 0	12.. 0.. 0	
James Campbell	James Johnson Junior...	50.. 0.. 0	8.. 0.. 0	
William Thomas	John Anderson	50.. 0.. 0	6.. 0.. 0	p. 80
John Dennis	Richard Burdus	60.. 0.. 0	2.. 8.. 0	
Cap.^{t} Geo: Belt (Baltimore)	William Govane	27..15.. 4	1.. 2.. 2	
George Thorpe	D.^{r} Charles Carroll.....	100.. 0.. 0	28.. 0.. 0	
William Brown	James Dick	100.. 0.. 0	4.. 0.. 0	
Edward Dorsey	Caleb Dorsey	100.. 0.. 0	12.. 0.. 0	
Caleb Dorsey	Edward Dorsey	100. 0.. 0	12.. 0.. 0	
Henry Dorsey Jun^{r}.....	Caleb Dorsey	100. 0.. 0	12.. 0.. 0	
Edward Brown	Benjamin Saller	100. 0.. 0	100.. 0.. 0	
Christopher Randell	William Hammond	25.. 0.. 0	4.. 0.. 0	
Benjamin Pierce	Joshua George	100.. 0.. 0	12.. 0.. 0	
ditto..ditto	William Rumsey	50.. 0.. 0	4.. 0.. 0	
Henry Trippe	Solomon Edmondson ...	75.. 0.. 0	69.. 0.. 0	
ditto..ditto	Levin Gale	80.. 0.. 0	73..12.. 0	
William Dallam	John Paca	50.. 0.. 0	2.. 0.. 0	
Henry Baily	Mortgage	50.. 0.. 0	62.. 0.. 0	
John Hammond Son of Charles	Adam Shipley	50.. 8.. 0	16.. 0.. 0	
David Weems	Thomas Sparrow	75.. 0.. 0	21.. 0.. 0	
ditto	John Weems	100.. 0.. 0	8.. 0.. 0	
Nathaniel Nickham [Wickham ?]	John Diggs	50.. 0.. 0	52.. 0.. 0	
George Garnett	William Raisin	100.. 0.. 0	4.. 0.. 0	
James Keech	Thomas Hungerford ...	58.. 0.. 0	13.. 0.. 0	

	Principal Names	Securities Names	Principal Sums on Bond & Mortgage	Interest due
U. H. J.	William Govan	William Cumming	100.. 0.. 0	20.. 0.. 0
Liber No. 36	William Govan	George Page	100.. 0.. 0	16.. 0.. 0
April 24	William Govan	Laurence Hammond	100.. 0.. 0	16.. 0.. 0
p. 81	Robert Riddle	Edward Sprigg	40.. 0.. 0	19..16.. 0
	Thomas Clark	Joseph Belt	100.. 0.. 0	24.. 0.. 0
	Thomas Clark	William Gheseline	100.. 0.. 0	28.. 0.. 0
	Thomas Clark	John Cooke	24.. 0.. 0	4..16.. 0
	Lawrence Hammond	William Govane	66.. 0.. 0	5.. 5.. 0
	Ditto	Ditto	83.. 0.. 0	9..18.. 0
	Ditto	Ditto	100.. 0.. 0	12.. 0.. 0
	Richard Harrison	Benjamin Harrison	57..16.. 4	11..10.. 0
	Ditto	William Rogers	50.. 0.. 0	12.. 0.. 0
	Ditto	John Darnell	100.. 0.. 0	28.. 0.. 0
	Joseph Chapline	Edward Sprigg	15.. 0.. 0	3..12.. 0
	Thomas Middleton	Zeph Wade Thomas Jennings	50.. 0.. 0	50.. 0.. 0
	Thomas Sligh	William Dallum	30.. 0.. 0	8.. 8.. 0
	Thomas Sligh	W.^{m} Barnay Edward Talbot Nath.^{l} Hughs	100.. 0.. 0	28.. 0.. 0
	William Barnay	Thomas Sligh	20..12.. 0	5..14.. 0
	Tho:^{s} John Hammond	Mordecai Hammond	40.. 0.. 0	6.. 8.. 0
	Thomas Addison	William Wilkins	50.. 0.. 0	14.. 0.. 0
	Basil Warren	Philip Diggs	100.. 0.. 0	28.. 0.. 0
	John Goe	Ja.^{s} Jn^{o} Mackall	100.. 0.. 0	16.. 0.. 0
	Allen Davis	Jona Davis	75.. 0.. 0	0.. 0.. 0
	Charles Ridgely	Thomas Sheredine	30.. 0.. 0	2.. 8.. 0
	John Hepburne	Thomas Sprigg	100.. 0.. 0	28.. 0.. 0
	John Hepburne	Ignatius Diggs	56.. 0.. 0	13..10.. 0
	John Hepburne	John Cooke	30.. 6.. 6	8..10.. 0
	John Hepburne	James Wardrop	100.. 0.. 0	24.. 0.. 0
	John Hepburne	John Darnell	20.. 0.. 0	5..12.. 0
	George Steuart	William Alexander	100.. 0.. 0	12.. 0.. 0
	George Steuart	William Steuart	100.. 8.. 0	8.. 0.. 0
	George Steuart	Peter Buchanan	100.. 0.. 0	12.. 0.. 0
p. 82	William Champman sen:^{r}	William Champman Jun:^{r}	80..11.. 0	22..10.. 0
	Joshua George	Thomas Johnston	50.. 0.. 0	12.. 0.. 0
	Alexander Rind		30.. 0.. 4	28.. 0.. 0
	Joseph Barratt	Mortgage	20.. 0.. 0	19.. 4.. 0
	John Addison	Anth.^{y} Addison	100.. 0.. 0	16.. 0.. 0
	Elihie Hall	Uechel Denton	30.. 0.. 0	6.. 0.. 0
	Charles Sewell	Clem.^{t} Sewell	70.. 0.. 0	15..16.. 0
	Robert Brashier	Samuel Brashier Edward Sprigg	100.. 0.. 0	92.. 0.. 0
	Jonas Green	Dan.^{l} Dulany Geo: Plater & Edm.^{d} Jennings	114.. 8.. 4	76..10.. 0
	William Murray	William Timdell	100.. 0.. 0	4.. 0.. 0
	William Timbrell	William Murray	100.. 0.. 0	4.. 0.. 0
	Littleton Townsend	Mortgage	80.. 0.. 0	70..12.. 0
	John Cook	K Greenfield Jowles	60.. 0.. 0	21..12.. 0
	John Cook	Thomas Lee	100.. 0.. 0	28.. 0.. 0
	John Cook	Thomas Clark	100.. 0.. 0	20.. 0.. 0
	John Cook	David Ross	50.. 0.. 0	4.. 0.. 0
	John Cook	John Hepburn	100.. 0.. 0	28.. 0.. 0
	Charles Hynson	Darius Dunn	100.. 0.. 0	20.. 0.. 0
	Thomas Frankling	Richard Guest	100.. 0.. 0	20.. 0.. 0
	Alexander Lawson	Char.^{s} Carroll	100.. 0.. 0	24.. 0.. 0
	John Currar	Nicholas Hyland	100.. 0.. 0	0.. 0.. 0
	Thomas Chittam	Osborn G Tho.^{s} Sprigg.	100.. 0.. 0	24.. 0.. 0
	Rev:^{d} Nath:^{l} Whiaker.	Thomas Lambden	26.. 0.. 0	17..13.. 0
	George Page	William Govane	25.. 0.. 0	7.. 0.. 0
	George Page	William Govane	100.. 0.. 0	28.. 0.. 0
p. 83	George Page	William Govane	42..10.. 0	8.. 4.. 0
	John Darnall	Benjamin Young	85..10.. 0	24.. 0.. 0
	John Darnall	Rich:^{d} Harrison	100.. 0.. 0	28.. 0.. 0
	Alex:^{r} Elder	James Elder	20.. 0.. 0	6.. 8.. 0
	George Beall	James Edmondson	100.. 0.. 0	16.. 0.. 0

Principal Names	Securities Names	Principal Sums on Bond & Mortgage	Interest due	
Rev:^{d} Sam.^{l} Edgar.....	George Steuart	60.. 0.. 0	40..16.. 0	U. H. J.
Benjamin Wright	Henry Wright	[illegible]5.. 0.. 0	1.. 0.. 0	Liber No. 36
Christopher Lowndes ...	Josiah Beall	65.. 8.. 0	7..18.. 0	April 24
Thomas Richardson	W.^{m} Thornton W.^{m} Reynolds	50.. 0.. 0	14.. 0.. 0	
Robert Swan	Daniel Dulany	100.. 0.. 0	28.. 0.. 0	
John Lamb	William Govane	20.. 0.. 0	3.. 4.. 0	
D.^{r} Alex.^{r} Hamilton....	William Cummings ...	100.. 0.. 0	20.. 0.. 0	
Ditto	William Cummings ...	50.. 0.. 0	22.. 0.. 0	
Samuel Champman	Samuel Galloway	72.. 5..11¾	8..12.. 0	
Samuel Champman	James Dick	100.. 0.. 0	4.. 0.. 0	
Richard Gresham	John Gresham	100.. 0.. 0	16.. 0.. 0	
John Howard	John Gassaway	54.. 0.. 0	0.. 0.. 0	
Samuel Harrison	Richard Harrison	15.. 0.. 0	4.. 4.. 0	
Benjamin Welsh	John & Tho:^{s} Welsh...	100.. 0.. 0	28.. 0.. 0	
Thomas Williamson ...	Doct.^{r} Cha.^{s} Carroll....	100.. 0.. 0	24.. 0.. 0	
Josiah Beall	Samuel Beall	100.. 0.. 0	16.. 0.. 0	
Joseph Hall	Samuel Harrison	66.. 0.. 0	29.. 0.. 0	
James Buck	Turnor Wootten .... Henry Hall	70.. 0.. 0	19..12.. 0	
William Raisin	George Garnet	41.. 0.. 0	1..12.. 9	
John Gordon	Alex:^{r} Hamilton	100.. 0.. 0	20.. 0.. 0	
Samuel Harvard	Thomas Jennings	54..19.. 3	15.. 7.. 0	
Anthony Addison	John Addison	100.. 0.. 0	16.. 0.. 0	
John Williams	Richard Waters	100.. 0.. 0	0.. 0.. 0	p. 84
John Weems	Lock Weems	60.. 0.. 0	7.. 4.. 0	
Sidney George	Michael Earle	100.. 0.. 0	28.. 0.. 0	
William Reynolds	William Roberts .... Samuel Senmain	60.. 0.. 0	14.. 8.. 0	
William Reynolds	James Dickson .... Reverdy Gheselyn	100.. 0.. 0	12.. 0.. 0	
John Campbell	Simon Duff	100.. 0.. 0	32.. 0.. 0	
William Rumsey	Nich.^{s} Hyland	100.. 0.. 0	0.. 0.. 0	
Benjamin Harrison	Rich.^{d} Harrison	50.. 0.. 0	10.. 0.. 0	
Jeremiah Berry	John Berry	60.. 0.. 0	16..16.. 0	
Ephraim King	Nehemiah King	50.. 0.. 0	0.. 0.. 0	
James Walker	John Howard	32.. 0.. 0	11..10.. 0	
John Inch	William Reynolds	100.. 0.. 0	20.. 0.. 0	
Bryan Philpot	Pat.^{k} Creagh	100.. 0.. 0	20.. 0.. 0	
Jn^{o} Hammond Dorsey..	Nath.^{n} Hughs	100.. 0.. 0	16.. 0.. 0	
Nathan Hughs	John Hammond Dorsey.	70.. 0.. 0	11.. 4.. 0	
Mich.^{l} Earle Sidney....	Sidney George	60.. 0.. 0	16..16.. 0	
Roger Boyce	William Lux	100.. 0.. 0	0.. 0.. 0	
William Lux	Roger Boyce	100.. 0.. 0	0.. 0.. 0	
James Dickson	Reverdy Gheseline	100.. 0.. 0	4.. 0.. 0	
Reverdy Gheseline	James Dickson	100.. 0.. 0	4.. 0.. 0	
William Cummings	James Dickson	95.. 5.. 1	3..16.. 0	
Charles Hammond Jun:^{r}	Note of hand..........	107.. 1.. 3	0.. 0.. 0	
William Cummings Esq:^{r} after Sale of Lands	William Govane	35.. 6.. 1	18.. 0.. 0	

All which is Submitted to the Consideration of Both Houses of Assembly This 24.th April 1762 p. 85

Samuel Chamberlaine
Walter Dulany
Robert Lloyd
Michael Earle
John Hanson
Josias Beall Jun.^{r}
Jn^{o} Truman Stoddert
Thomas Ringgold
Charles Grahame

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A Message by Mess:rs Gant and Mackall

By the Lower House of Assembly the 24.th April 1762

May it please your Honours,

This House has appointed M.r Dulany. Doct.r Steuart and M.r Worthington to join one Member of your House to Contract for repairing the Publick Buildings and for takeing a sum of Money not exceeding two hundred Pounds out of the Treasurers Hands for paying for the Said Repairs

Signed ℘ Order John A. Thomas Clk. Lo. Ho.

The following is sent by John Ridout Esquire

By the Upper House of Assembly the 24.th Day of April 1762

Gentlemen

This House hath appointed John Ridout Esquire to join the Members Named by you for the Purposes in your Message of this Day by Mess.rs Gant and Mackall

Ordered that the Clerk of this House receive the same fees on all Private Bills this sesion as are allowed by the Lower House to their Clerk

Adjourned till 3 of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

p. 86 The following Message is sent to the Lower House of Assembly by Richard Lee Esq:r

By the Upper House of Assembly 24. April 1762

Gentlemen

Your Message of the 16.th Instant is of so Extraordinary a Nature both in Language and Sentiment, and so unbecoming the Representative of the People of Maryland which without the Least foundation set up for an Unrivalled Zeal for his Majestys Service and Arrogates to itself the rights & Powers of a British House of Commons, that but for the Salutary Motive of Obviating those groundless pretentions we most certainly should not have paid the Least regard to it,

The Reality of the Concern you are pleased to Express that our Message of the 13.th Instant should deprive you of all hopes of Coming to any agreement with us about the manner of raising Supplies for His Majestys Service, you will permit us to doubt because there is not the Least Evidence from your Conduct of a Real Concern to raise Supplies for his Majestys Service unless at any Expence which his Majesty will Consider as beyond all proportion above their worth; this will appear past doubt from a very slender Scrutiny into the Conduct of the Peoples Representatives to the present time, they were thrice called to meet in Assembly to raise supplies for his Majestys Service and in their first meeting to shew their Loyalty to his Majesty and Earnest desire to comply with his Requisitions they sent to the upper House a Bill upon the Plan of a General Assessment upon Real and Personal Estates this Plan you so lately as your Message of the 9.th Instant call a new System, Intricate in its nature liable to Objections which you suppose may Escape your House, the Bill was accordingly rejected for reasons wherein the Lower House was afterwards made acquainted the second and third meeting in Assembly for the Like purpose Influences by the Like Earnest desire to raise Supplies for his Majestys Service produced the like Bill in the Lower House, which from this House met with the like fate; the Lower House finding by this time their favourite new System Intricate in its nature and liable to objections could not be obtained without an uncommon degree of perservance and apprehensive at the same time that the Sincerity of Earnest desire so often Expressed, to raise Supplies for his Majestys Service from so repeatedly proposing only the same Bill for Raising those supplies which had been as frequently rejected, began to be doubted; to obviate if Possible these unfavourable Impressions they thought proper to Express their Concern as you do now, to find that after refusing two Bills sent to us at their two Last meetings for his Majestys Service without Mentioning the Objections we might have to either of them we had returned a third for the same purpose in the same manner and declear that if Our objections had been made to either of those or to the then present Bill they would have shewed the utmost readiness to do every thing they could Consistent with their Rights and Priviledges to have brought about the Passage of them; but without Scrupulously Examining into the means of Escape from this Declaration left by the manner of penning it, it is Sufficient to observe that this House accordingly Informed the Lower House of many objections to that Bill without Obviating which by amending their Draft that Bill could not meet with our Assent and in order to manifest their Earnest Desire to raise for his Majesty the supplies he Demanded instead of altering their Bill in any manner Conformable thereto they Endeavoured to answer those Objections which Brought on a Dispute Between the two Houses and that session Ended with as little Effect to his Majestys Service as the two former and tho every Man of Common sense who would give himself the trouble of perusing those Messages must Consider those objections as Unanswered & in this we are Supported by the Opinion of his Majestys late Attorney General upon that Bill and those Messages; the Lower House Continued for five Successive Sessions to send the same Bill to the Upper House for their Assent without

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U. H. J. Liber No. 36 April 24 paying the least regard to any one of the many Material objections pursuant to their request so long before by this House pointed out to them; had these Lower Houses been so Earnestly desirous to raise Supplies for His Majestys Service would they so repeatedly have sent up the same Bill for that Purpose without any one material Alteration in the Plan or in any of the material parts of that Bill, would they not had they been really desirous of Granting his Majesty the demanded Supplies, have given some Indications of that desire by their Conduct in taking the proper measures to adapt a Bill for that purpose to the approbation of the upper House without whose Assent, they could not be so Ignorant as to Imagine it could pass into a Law or why did not that Earnest desire and those repeated professions of Loyalty towards his Majesty produce some other plan than that of a Confused, Absurd, Unjust, Unequal, and oppressive assessment were those Houses so barren of Invention or Genious as to be Incapable of forming any other, this was not the Case, why then when other plans more just and equal less Intricate in their nature liable to fewer Objections and infinitely less Dangerous to the undoubted prerogatives of the Crown and the rights and Liberties of the People than your favourite assessment Bill were formed and propoised to those Houses why were they no sooner proposed than voted out, But that whatever were their professions the[y] had no Intentions of raising Supplies for his Majestys Service, p. 89 nor of affording this House an Oppertunity of Coming to an agreement with them at a less expence than that of his Majestys prerogatives and the Peoples liberties by a total Subversion of our present Constitution, and lodging the Several powers thereof now equally destributed for the preservation of the whole in their hands and if their warmest professions appear thus destitute of Truth and Candour what regard are we to pay to those so often repeated by your Selves

Give us leave therefore Gentlemen to say you could not flatter your Selves that the Message accompanying your assessment Bill to this House would have produced an agreement between the two Houses about the manner of raising Supplies for his Majestys Service because amongst other reasons you express your fear that it would not have that effect but if you were afraid of the Success of this Method why would you offer it surely a Real Concern for his Majestys Service would have Suggested some other Method but altho you might fear you were far from being Satisfyed we would not Pass that Bill; And pray Gentlemen why were you not Satisfyed, Or what will Satisfy you, if eight Successive refusials of such a Bill will not Could you have any reason to expect or even to Entertain the most distant hope that the Ninth offer of the like Bill could have better Success than the 8 preceeding, But you were not Satisfyed that we would at this time Obstinately Adhere to Objections

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made against a Bill in 1758. But why not at this time have you any persuasive powers in your House at present to which the former Lower Houses were Strangers, We have hither to seen nothing of the Kind or are there any late Circumstances without Doors which may render this time more unfavourable to our Supporting his Majestys Rights against the Usurpation, and the People from Oppression, than Existed during the last meeting of the Lower House, perhaps the War with Spain may by you be Considered as an Additional Advantage towards pushing your favourite points and Induce you to wonder that at this time you do not give up every thing to obtain a Little Money from [sic] for his Majestys Service, But p. 90 in what ever light you may view this Circumstance We cannot think our selves Justifiable either to his Majesty Our Consciences or your Constituents, in giving up his prerogatives and by Subverting our present Constitution Introduce the Numberless Evils Consequent upon all the powers of Government being lodged in our hands for so Comparatively triveal a Consideration but what kind of Loyalty or even patriotism mout [sic] that be which amongst the distresses of a heavy War with Severall powerfull Enemies can not only with its assistance to the Common Cause, but still calm and unconcerned at Impending Ruin and the Contempt of our fellow Subjects, by an obstinate Adherence to the Same unwarrantable plan now a ninth time found unsuccessfull not withstanding his Majestys threatned displeasure for such Behavour unless such assistance shall be purchased at the Extravigant price of his Majesty's prerogatives and the Peoples Liberties thrown into your Hands by this favourite and unconstitutional Bill such is the nature of your Loyalty or patriotism and such has been and is the real Concern of the Lower House to raise Supplies for his Majestys Service in these times Imminent distress and Danger to our Mother Country our fellow Subjects and Our Selves

Why Gentlemen should you think it Strange that we should Adhere to Our Objections made to a like Bill in 1758. and give the Little regard you have shewn to those Objections as a reason for our being Confirmed in an opinion that there was no probability of the Houses coming to an Agreement upon the present Bill and sending it down as you Express it our Selves with a flatt Negative If those Objections were Insignificant, or not Applicable to the present Bill Surely you p. 91 might have shewn them in One or other of these lights; and if Material and applicable to the present Bill, why should we not adhere to them, will the length of time Since the Lower House was acquainted with them lessen their force or will not rather that length of time and the repeated disregard to them render the Obstinate adherence of the Lower House to the same faulty plan the more Inexcesable But you tell us we might have Observed that in the forming this Bill the foundations for many of those Objections,

U. H. J. Liber No. 36 April 24 were removed tho we have bestowed our best attention upon this Bill we could not observe from it that the foundations for many of those Objections were removed; we observe indeed that some few of those only of the least Importance are Obviated; but by much the greater part in Number and Importance still remain and particularly all those parts of the Bill Calculated to interduce an Unconstitutional Influence remain Untouched; why were not these parts of the Bill altered Conformable to the Objections that your affording One proof of a real Concern for His Majestys Service, we might have had an oppertunity of Coming to an agreement with you on that Occasion, in a word Gentlemen we shall adhere to our objections, nor may you ever expect our assent to any Bill what ever may be the Occasion to which they are Applicable, for we are satisfied that nothing is so likely to preserve the tranquility of the Province as the maintaining with a Strict and steady hand the Necessary powers and just prerogatives of the Crown and the presering an Uniform and Settled Principle of Government to an Occasional Departure from it for temporary Convenience every Days Experience Convinces Us that it is in vain to Negotiate away His Majestys prerogatives every new Concession becoming the foundation of some new demand, And that of some new dispute

Your Maxim in Politicks almost universally adopted that the Representatives Justifyed by the Instructions of his Constituent, in p. 92 acting even against his own Judgment we neither Understand nor see Any present use of; would you Insinuate that the Conduct of the Lower Houses relative to His Majesty's Service has been agreeable to the Instructions of your Constituents and by thus Excusing your selves leave them Accountable for your Extraordinary Conduct we know that the Inhabitants of this Province in General are an Honest well meaning People as Loyal Subjects as any in his Majestys Dominions and Endued with a Spirit Condusive to His Majestys Service to the utmost of their Abilities; But we are sorry to say at the same time they are not Exempt from Imposition and whether the Conduct of former Lower Houses and the Other Branches of the Legislature may not have been misrepresented to them by such as may have thought the People seeming Concurrence a necessary Countenance, to their own Ambitious Scheems, we shall not at present determine, but to us it seems Extremely natural that the People upon the Breaking up of a Long Session without any thing done for His Majestys Service tho with a very heavy Charge to themselves should Enquire into the Occasion of these frequent disappointments, And it is as probable they may be told of the just and Equal methods proposed by the Lower House to raise Supplies for the Title of the Bill which is called an Equal assessment may be Cited as an Authority to this purpose and if necessary to proceed further the Substance thereof may be represented in such a manner as may best Suit the then present purpose Concluding that in short, the Bill is in itself highly just and reasonable, but that the Upper House will not pass it for no other reason than because it Contains a Tax upon the Proprietary Estate and the great Offices of the Government; and as Probably they may not see the Propriety of leaving these Objects untaxed they no doubt will Conclude their delegates are right in persisting that these shall come in as well as the rest nor can it be a matter of Surprize that the People Imposed upon by such arts as these should in some Instances be Induced to give such Instructions to their Delegates as you allude to however that this is far from being Generally the Case, is Evident from the constant and almost Equal Opposition, the proposal of this Plan has of late met with in the Lower House, But whatever Measures some Members of that House may have thought fit to take to impose upon the Credulity of their Constituents, we could not have Conceived you will have given us so flagrant a prōf of such practices as to Assert this matter to Ourselves and yet you are pleased to Entertain hopes that we might be more at large than heretofore with respect to the tax upon the proprietary Estate and the great Offices of the Government, which you take to have been our Real Objection to the Supply Bill in 1758, to Cover which most of the others were only thrown in as a Barrier these are your words why did not you Gentlemen Inform what foundation you have for this Indecent and untrue Suggestion what Authority have you for Insinuating that this House ever was under any restraint with regard to either of those points or what reason have you to hope we are now more at large in respect to them than heretofore if you have no foundation for this behaviour, what regard will any thing you say deserve, you tell us you take the Tax upon the Proprietary Estate and the Great Offices of Government to have been our real Objections to the Supply Bill in 1758, and ought to have shewn us where we made these Objections but if you Cannot do this what must the World think not only of your Insinuations but your Express Allegations, your having recourse to those Objections in 1758. will not serve your purpose for you will there find no Objections to either of those perticulars being at all Taxed as you would have it understood, but only to the Manner and the quantum the Lower House was than pleased to Impose on those Objections of Tax, as being to liable to abuse and greatly above the proportion they ought to bear, We wish Gentlemen you would pay some regard to truth and Decency at least while you Aspire to the Rights and Priviledges of the British House of Commons; the truth is as far as we can Judge the whole tenor of your Conduct both within doors and without that you are endeavouring to persuade your Constituents the frequent Miscarriages of this your favourite Bill are Owing Only to a dispute between the Lord Proprietary and the great Officers of Government of One of your Selves on the other upon the point of taxing or not Taxing his Estate and their Offices,

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U. H. J. Liber No. 36 April 24 to Cover which (viz.[t]) Objections in 1758. to taxing those two Objects you say most of the others were only thrown in as a Barrier; Whereas, We now repeat, that no objection has been made to taxing either of those perticulars neither his Lordship, nor those Great Officers you refer to, having any objection that we know of against, a proporsional tax either upon his Estate or their Officers; for the Objections you would have thus understood are only to the manner and the quantum then proposed Considerably above the proportion at which other people were to have been taxed; and to prevent as far as possible every future Oppertunity of poisoning the minds of the people by their Imposing upon their understandings, permit Us to Inform you that the true general question in debate is whether the Lord Proprietary, the upper House and People shall be subjected to a new and Unconstitutional power of Oppression without any remedy or not, the parties are the two Houses, the Lower House has been Contending for the Affirmative and this House for the negative in nine successive Struggles upon this Important Question a Concern upon a disappointment in any of your Sanguine persuits being natural, we can easily Credit your Expression of sorrow that what you call p. 95 an Occasional Waiver of your rights in respect to the mode of proceeding on Money Bills, has not had the Effect you desired from our Unhappily (instead of proposing Objections, or amendments to your Money Bill pursuant to the leave you had given us) Disputing the Rights you assume in respect to such a Bill and thereby Obstructing the Establishment of such a Claim Had you indeed Waved your Obstinate Adherence to your unwarrantable Assessment Bill and paid a due regard to our former Objections so far as they were Applicable, your Waiver had been of real Importance to his Majesty's Service and your own Credit, and might have afforded us some Encouragement, to add our assistance in promoting so laudable a design but we must take the Liberty to tell you that you waived nothing upon this Occasion because you had nothing to waive; for your Claim of the same rights with the British House of Commons tho you seem inclined for the present to allow as those of the British House of Lords, will avail nothing, because having different foundations no Inference can be fairly drawn from the Right of One to Establish the Claims of the others; the House of Commons have a law peculiar to themselves called Lex parliamenti, which is we presume founded on the Antient Usages of that perticular Body; If you should be pleased to be called the House of Commons, We think you would gain nothing by such a measure because as the House of Commons of Maryland, would still be a distinct Body from the House of Commons of Great Britain, we do not perceive how assuming the Appellation of the British House of Commons, will trasfer to you that Lex parliamenti of the House of Commons in Britain, their Antient Usages not being your Usages; and perhaps

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they might be offended if not at the assumption of their Name, yet at assuming the Lex parliamenti which they may be apt to Consider as a right peculiar to themselves your rights Gentlemen are founded only in the Royal Charter, your perticular Usages, and the Common p. 96 Law of England what those Rights are, the Charter, Journals and Law Books may inform you, But we shrewdly suspect you will be so far from supporting your Extraordinary Claims from either of them, that the Charter and Journals in perticular will operate Strongly against them, and to support that part of our last Message, with which you seem to have been so highly Offended; and here upon you Intimate that you had not time at present to look fully into the matter, we leave you to Cultivate an Acquaintance with your own Journals, where you will undoubtedly find Sufficient Evidence from the earliest to the present times to destroy all pretence of right to your Exorbitant Claims; that the Body now called the Lower House and that now called the Upper House were Coeval; that after Several years Consideration, Our Constitution was Established in its present form, Ever since which the Upper House has been a Constitutional Check upon any frantick humour that might Siese the Lower House, and we are well Satisfied that at this perticular Season every Sensable Man applauds the foresight and Wisdom of our Ancestors in that Establishment

The Earliest Establishment of our Constitution being in its present form, your Objection to the Upper House as a Dependant Branch of the Legislature, becomes the more rediculous; and when it is Considered that the Several Legislatures in British America (except One or two at most Consist of three Branches, and that the middle Branch is Each three Instances only Excepted) is appointed in Like manner with our Selves, We hope you will not think an Upper House a misfortune peculiar to this Province nor Expect to persuade Us to give up our Existence while there are so many Similar Bodies p. 97 in America to Counternance our Claim; and were we as much disposed to rail at former times as you seem to be, We might in your Taste censure the proprietary and that Body now called the Upper House for admitting such a Branch as the Lower House into the Legislature, and charged it upon them as an Evil, which the People of this Province most Sensibly feel (as in deed they do very much to their Cost) and which we fear their latest posterity will have cause to lament, But having no private Interests to serve or Publick disturbances to raise, We forbear your Message being altogether in the Declamatory Strain, and Adapted much rather to Inflame an Assembly of your Constituents than to Correct Errors by Convincing the understanding in a Legislative Course of proceeding and having we think Sufficiently Manifested your pretensions, to the two Important points you Claim, to be intirely Groundless, We shall totally disregard the various plantoms you have been

U. H. J. Liber No. 36 April 24 pleased to raise in hopes of our Joining you in the endless pursuit, and observe that after having in appearance persuaded yourselves, you seem Endeavouring to persuade your Constituents to believe, that you are the only Branch of this Legislature either by Constitution or Inclination Concerned for the preservation of the Peoples and that you Consequently have an Exclusive right of determining in a Legislative way Concerning their Rights and Benefits; But herein you happen to be no less, unfortunately Mistaken, than in those points, relative to your Zeal for his Majesty's Service and to your Claims of the Rights and Priviledges of the British House of Commons, We Claim to be and are in Equal Degree with yourselves the Constitutional Guardians and protectors of the Peoples Liberties for as we have already Intimated this House was by your Ancestors Erected p. 98 with a view to Check and Restrain the Boundless Powers their Representatives might otherwise be disposed to Exercise over them and Consequently to judge and persuant thereto, to Exert our powers when ever we see Occasion, to prevent their Ruin or Oppression and give us leave Gentleman, to acquaint you, that we are by no means Inferior even to your pretensions in point of Inclination to promote their true Interest and happiness; that as we have frequently heretofore, so have we now upon the Occasion of this your favourite Assessment Bill saved them the Ruin Resulting from the Plan and manner of penning of that your favourite new System; had it been Enacted into a law so totally new, that tho you are pleased to assert that plans of this sort have not only been thought practicable but found by long Experience Eligible in our Mother Country and most of the Neighbouring Colonies, We must take the liberty to deny that there is to our knowledge or belief any such law Subsisting in either One or the other unless where the Constitution of Government may happen to be such as you would willingly reduce this to, and even in such a Constitution if such can be found no such Bill as yours has Existed and been found by long Experience to be Eligible, the Invention is Entirely your Own, and however desirous you may pretend to be that we would only give the people of this Province an Opportunity of making an Experiment of it we must begg to be Excused because, besides that there are many who perhaps upon any other Occasion you would Avoid Counting amongst the Number of the People and whose Liberties & Properties are unjustly to be affected by this Bill, as well as the Danger that a Single Precedent may be appealed to as the foundation of a future Claim to the p. 99 Continuance of this new and Intricate System with all its train of Mischiefs attending it We cannot for one Hour trust you with the powers you would by this Bill acquire over the People

Signed ꝑ Order Jnº Ross Clk. Up. Ho.

Samuel Chamberlaine, and Edward Lloyd Esquires, are sent to the Lower House to acquaint the Speaker that his Excellency requires his immediate Attendance with the Lower House to see the Bills passed both Houses this session receive the Assent, The Lower House Attend & by their Speaker present to his Excellency the following Bills

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An Act for the Adjournment and Continuance of Prince Georges and Queen Ann's County Courts

An Act continuing an Act entituled An Act to exempt persons Appearing at Musters from Arrests in Civil Cases

An Act continuing an Act, entituled An Act to prevent certain Evils and Inconveniences attending the Sale of Strong Liquors, and running Horse Races near the yearly meetings of the People called Quakers, & to prevent the tumultuous Concourse of Negroes and other Slaves during the said meetings and also one other Act, entituled An Act to amend and Explain an Act entituled an Act to prevent certain Evils and Inconveniences attending the Sale of Strong Liquors and running Horse Races near the yearly meetings of the People called Quakers and to prevent the tumultuous Concourse of Negroes and other Slaves during the said Meetings

An Act continuing an Act entituled an Act for punishment of Horse Stealers and other Offenders, An Act continuing an Act entituled An Act for the more effectual punishment of Certain Offenders and for taking from them the Benefit of Clergy

An Act continuing an Act entituled an additional and Explanatory Act to the Act entituled an Act impowering the Commissioners of the County Courts to levy and raise Tobacco to defray the necessary Charges of their Counties and Parishes p. 100

An Act continuing an Act, entituled an Act relating to Guardians and Orphans

An Act continuing an Act entituled An Act for destroying Woolves in Frederick County

An Act continuing An Act entituled an Additional Supplementary Act, to the Act entituled an Act relating to Servants and Slaves

An Act continuing an act entituled an Act for the more effectual Punishment of Negroes and other Slaves, and for taking away the Benefit of Clergy from certain Offenders and Supplementary Act to an Act, entituled An Act to prevent the tumultuous meeting and other Irregularities and other Slaves, and directing the manner how to try Slaves,

An Act continuing an Act entituled an Act to make The Testimony of Convicted Persons legal against Convicted Persons

An Act continuing An Act entituled a Supplementary Act to an Act entituled an Act laying an Imposition on Negroes and Several sorts of Liquors imported and also on Irish Servants to prevent the Importing too great a Number of Irish Papists into this Province

U. H. J. Liber No. 36 April 24 An Act continuing an Act entituled an Act to inable the Several and respective County Clerks within this Province to remove some of the County Records and Papers from the Publick Offices,

An Act continuing an Act entituled an Act for destroying of Crows and Squirrels in particular Counties

An Act to enable James Holliday legal Representative of James Holliday Esq.^{r} deceased late treasurer of the Eastern Shore to draw p. 101 Bills for the Money therein mentioned, An Act to Impower the Justices of Somerset and Worcester Counties to levy on the Taxable Inhabitants of Coventry Parish Partly in Somerset and Worcester Counties the Quantity of Sixty two thousand four Hundred Pounds of Tobacco for the uses therein Mentioned

An Act continuing an Act entituled an Act for Repairing the Publick Roads of this Province and the Supplementary Act thereto

An Act continuing an Act entituled an Act for the more effectual destroying of Squirrels and Crows in the Counties of Kent Queen and Talbot, and for destroying red foxes in the said Counties

An Act continuing an Act entituled for the relief of such Persons as cannot find Surety for their Appearance to testify as a Witness against any Person arrested accused or prosecuted for any Criminal matter,

An Act for erecting a Publick Warehouse at Vienna Town in Dorchester County

An Act to change the Name of Zacheus Barrett to that of Onion

An Act impowering the Justices of Charles County to levy on the Taxable Inhabitants of Port Tobacco Parish in the said County a quantity of Tobacco for the uses therein Mentioned

An Act to remedy an Omission in the Testament and last Will of Henry Woodward deceased

An Act for the Speedy and effectual Publication of the Laws of this Province and for the Encouragement of Janas Green of City of Annapolis Printer

An Act impowering the Justices of Baltimore County Coart, to assess and levy a Sum of Current Money and for the other purposes therein Mentioned

p. 102 An Act to augment the Salaries of the Inspectors at Elk Ridge Landing Warehouse in Ann Arundel County and of the Inspectors at Emersons Warehouse in Talbot County and for other purposes therein Mentioned

An Act to impower Mary Stansbury Widow and Admx with the Will annexed of Tobias Stansbury, late of Baltemore County to Sell the Lands therein Mentioned for the payment of the Debts of the said Tobias Stansbury

An Act for building a Church in S.^{t} James's Parish in Ann Arundel County

An Act for the Naturalization of Col.° Henry Bouquet and Frederick Victor U. H. J. Liber No. 36 April 24

An Act to impower William Clajon and Mary his Wife Adm.^{rs} of Gamaliel Butler late of the City of Annapolis to Sell a lot of ground & three Dwelling Houses for the Payment of the Debts of the said Gamaliel Butler

An Act for the Continuance of Causes Standing for Trial in the Provincial Court

An Act to establish a Market at the Market House in Chester Town in Kent County and for the Regulation of the said Market

An Act prevent any future loan of the Bills of Credit now in the paper Currency Office and to ease the Inhabitants of this Province in the payment of Certain Taxes,

An Act for destroying Crows and Squirrels in Baltimore County all which his Excellency passed Laws in the Usual form by Sealing them with the Right Honourable the Lord Proprietary his great Seal at Arms and Subscribing them on Behalf of the Right honourable the Lord Proprietary of this Province I will this be a Law p. 103

After which his Excellency was pleased to conclude this Session with the following Speech

Gentlemen of the Upper and Lower Houses of Assembly

I have thought fit with the Advice of his Lordships Council of State to Prorogue this Assembly to Monday the 13.th of September next you are therefore to take Notice that you are Prorogued to that Day Accordingly

Thus Ends this Session of Assembly begun and held at the City of Annapolis on Wednesday the 17.th Day of March, ending the 24th Day of April following in the Eleventh year of his Lordships Dominion and in the second year of his Majesty's Reign Annoque Domini 1762

John Ross Clk Up. Ho.

PROCEEDINGS OF THE LOWER HOUSE OF ASSEMBLY

L. H. J. Liber No. 52 1762 March 17 p. 1

At a Session of Assembly begun and held at the City of Annapolis, on Wednesday the 17th Day of March, in the Year of our Lord One Thousand Seven Hundred and Sixty-two, and in the Eleventh Year of the Dominion of the Right Honourable Frederick, Absolute Lord and Proprietary of the Provinces of Maryland and Avalon, Lord Baron of Baltimore, &c. His Excellency Horatio Sharpe, Esq; being Governor, the following Delegates appeared in the Lower House of Assembly.

For St. Mary's County,

Mr. Henry Greenfield Sothoron,
Mr. John Hall.

For Kent County,

Major William Hynson,
Col. Richard Lloyd,
Mr. Thomas Ringgold.

For Ann Arundel County,

Mr. Brice Thomas Beal Worthington,
Mr. Henry Hall.

For Calvert County,

Mr. Edward Gantt,
Mr. Benjamin Mackall,
Mr. Charles Grahame.

For Charles County,

Mr. John Trueman Stoddert,
Mr. William Smallwood.

For Somerset County,

Mr. William Hayward,
Mr. William Adams,
Mr. John Adams.

For Talbot County,

Mr. James Tilghman,
Mr. John Goldsborough.

For Dorchester County,

Col. Henry Hooper,
Mr. Charles Goldsborough,
Mr. Daniel Sulivane,
Mr. Joseph Cox Gray.

For Baltimore County,

Mr. Thomas Cockey Deye.

For Cæcil County,

Mr. William Ward.

For Prince-George's County,

Mr. Josias Beall, junior,
Major Francis Waring,
Mr. Mordecai Jacobs.

For the City of Annapolis,

Mr. Walter Dulany,
Dr. George Steuart.

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For Queen-Anne's County

Mr. Robert Lloyd,
Mr. Edward Tilghman,
Mr. Thomas Wright.

For Worcester County,

Mr. Benton Harris,
Mr. Parker Selby,
Mr. William Allen,
Mr. Peter Chaille.

For Frederick County,

Capt. Joseph Chapline,
Mr. Nathan Magruder.

A sufficient Number of Delegates to compose a Lower House of Assembly, being convened at the Stadt-House; Mr. John Goldsborough and Mr. Robert Lloyd attended on his Excellency the Governor to acquaint him therewith.

Benedict Calvert, and John Ridout, Esquires, from the Upper House, and Mr. John Ross, Clerk of the Council, came into the Stadt-House; in whose Presence the aforesaid Delegates took the several Oaths to the Government required by Law, subscribed the Oath of Abjuration, repeated and signed the Test.

Stephen Bordly, and John Ridout, Esquires, from the Upper House, acquaint the Members of this House, That the Governor requires their Attendance in the Upper House.

The Members of the Lower House went to the Upper House.

His Excellency required them to return to the Lower House, and choose a Speaker.

They returned, and unanimously made Choice of Col. Henry Hooper, a Delegate returned for Dorchester County, to be their Speaker, and placed him in the Chair.

Mr. John Goldsborough and Mr. Robert Lloyd were sent to acquaint the Governor, That this House hath made Choice of a Speaker. p. 2

Stephen Bordly, and John Ridout, Esquires, from the Upper House, acquaint the Members of this House, That the Governor requires their Attendance in the Upper House, to present their Speaker.

The Members of the Lower House went to the Upper House, and presented to the Governor Colonel Henry Hooper, as their Speaker.

His Excellency gave his Approbation of their Choice, and made the following Speech:

Gentlemen of the Upper and Lower Houses of Assembly,

You are at this Time convened in Obedience to his Majesty's Commands, [*This speech which begins thus is printed in full in the Upper House journal pp. 3-5*]

L. H. J. Liber No. 52 March 17 Mr. Speaker (with the Rest of the Members) returned to the Lower House, and resumed the Chair.

p. 3 The House proceeded to choose a Clerk, and made Choice of Mr. John Allen Thomas.

Ordered, That Mr. Edward Tilghman and Mr. John Goldsborough do acquaint his Excellency with the Choice which this House hath made of a Clerk, and to desire his Approbation.

They return and acquaint Mr. Speaker, That they delivered the Message.

p. 4 Ordered, That Mr. Gantt and Dr. Steuart do go with Mr. Thomas to the Upper House, to see him Qualified as Clerk of this House.

They return and acquaint Mr. Speaker, That they saw him take the several Oaths to the Government required by Law, sign the Oath of Abjuration, repeat and sign the Test, and take the following Oath of Office:

You John Allen Thomas do swear, that, as Clerk of the Lower House of Assembly, you shall true Entries make of all such Matters and Things, as by the Honourable Speaker for the Time being, and that House, shall be to you directed: The Secrets of the said House you shall not divulge, to the Prejudice of the House, or any Member thereof; but shall in all Things, as Clerk to the said House, well and truly demean yourself, according to the best of your Knowledge: So help you God.

The House adjourns till 3 of the Clock.

Post-Meridiem. The House met according to Adjournment.

Ordered, That his Excellency's Speech, a Copy of which he delivered to Mr. Speaker, be again Read; which accordingly was, and Ordered to lie on the Table.

His Excellency communicated to Mr. Speaker the following letters:

[*These letters from the Earl of Egremont, one of his Majesty's Secretaries of State, and from his Excellency Sir Jeffrey Amherst are printed in full in the Upper House journal pp. 5-9*]
which were here Read, and Ordered to lie on the Table.

p. 7 The House appointed Capt. Robert Saunders, Serjeant at Arms, and Andrew Buchanan, Door-keeper, to the Lower House of Assembly.

The House appointed Richard Tilghman, junior, and Richard Tilghman, Third, Clerks to attend the several Committees that may be appointed this Session.

Ordered, That Dr. Steuart do administer to them the several Oaths of Government, and the Oath of their respective Offices.

Dr. Steuart acquaints Mr. Speaker, That Capt. Robert Saunders, Andrew Buchanan, Richard Tilghman, junior, and Richard Tilghman, Third, had taken the several Oaths to the Government required by Law, subscribed the Oath of Abjuration, repeated and signed the Test before him, and severally took the following Oath of Office. L. H. J. Liber No. 52 March 17

You Robert Saunders do swear, that you will faithfully, and honestly discharge the Office of Serjeant at Arms to the Lower House of Assembly; and that you shall not disclose or reveal the Secrets thereof: So help you God.

You Andrew Buchanan do swear, that you will faithfully, diligently, and honestly discharge the Office of Door-keeper to the Lower House of Assembly; and that you shall not disclose or reveal the Secrets thereof: So help you God.

You Richard Tilghman, junior, and Richard Tilghman, Third, do severally swear, that you will true Entries make of all such Matters and Things as shall be to you directed by any Committee of the Lower House of Assembly, for whom you shall act as Clerks; and that you will not divulge the Secrets of the said House of Assembly, or of any Committee thereof; but will, in all Things, well and truly demean yourselves, according to the best of your Knowledge: So help you God. p. 8

Mr. John Hanson, junior, and Mr. George Dent, Two Delegates returned for Charles County; Mr. Pollard Edmondson, and Mr. William Thomas, Two Delegates returned for Talbot County; appeared in the House.

Ordered, That Mr. Stoddert and Mr. John Goldsborough do go with them to the Upper House, to see them Qualied.

They return and acquaint Mr. Speaker, That they saw them Qualified in the usual Manner.

The Gentlemen took their Seats in the House.

Ordered, That the following Rules be observed as such during this Session:

1 That no Member of the House shall use any reviling Speeches, or name any Member by his proper Name, otherwise than for Distinction's Sake; but shall rather use some other Significance, as, The Gentleman that spoke last, or the like.

2 That no Member speak above once upon any Debate, without License of the House, declared by the Speaker; and if Two Persons, or more, shall rise up together, the Speaker shall appoint who shall speak first; and no Member shall interrupt any other, until the Gentleman speaking hath ended.

3 That none shall deliver his Opinion, or speak to any Bill or Debate, unless he shall stand up, and reverently direct his Speech to the Speaker.

4 That every Bill proposed by the House, shall be Read Two several Days before it is sent to the Upper House, and once after, before it be Ingrossed; and that between every Reading, one Day

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shall be intermitted; and that in that Time, the Bill be laid on the Table, for the Perusal of all the Members; unless, on very urgent Occasions, Mr. Speaker, with the Consent of the House, shall dispense therewith; and then one Bill being Read Twice at one Sitting, shall be as sufficient as if Read several Days, when so entered in the Clerk's Journal.

5 That no Person come into the House of Assembly while the same is Sitting, with Sword or other Weapon, upon Penalty of such Fine as shall be imposed on them by the Speaker, not exceeding Five Shillings for any one Offence.

6 That if any Member, bound to attend this Assembly, shall be absent at the House and Place appointed, after the Number of Twelve of the Members, with the Speaker, are met, according to the Order for Sitting, shall be fined according to the Discretion of the Speaker, not exceeding Five Shillings for any Offence, unless upon such lawful Excuse as the Speaker shall admit of.

7 All Misdemeanours which shall happen in the House, shall be censured and fined in the House.

8 That no Bill shall be Read at any Time during this Session, till all the Members in Town be called in, except on some Excuse to be admitted by the Speaker.

9 That if any Member of this House do depart, without Leave from the Honuorable Speaker and the House, such Member shall forfeit all his preceding Allowances due to him for his Attendance that Session.

p. 9 Resolved unanimously, That the following be entered on the Journal as the Resolves of this House:

Resolved by the House, That the Members who were appointed as Members of the Committee of Aggrievances, have likewise the Character of a Committee for Courts of Justice; and that That Character, and the Duty of such Committee be annexed to the said Committee of Aggrievances, as a standing Part of their Duty. And that it be an Instruction to the said Committee of Courts of Justice, that they observe the Nature of all the Commissions to the several Courts of Judicature within this Province; and that they especially observe any Alterations that may at any Time happen by accidental Omission, or otherwise, therein; and particularly relating to such Words therein, as require the several Judges and Justices to hear, try, and determine, according to the Laws, Statutes, Ordinances, and reasonable Customs of England, and of this Province, or to such other Words as have Relation thereto; and that they shall immediately make Report to the House, of any Alteration that shall at any Time happen in such Commission; and likewise to have Regard, as near as may be, to observe wherein they differ from the Forms of the several Sorts of Commissions to the Judges and Justices in England.

Likewise Resolved, That it be an Instruction to the said Committee, to inspect the Form of the Oaths of Office, that have been, and now are usually taken by the several Magistrates; and that in case the following Clause be not inserted in the said Oath, it be reported to the House; such Clause being agreeable to the Oath taken by the Judges in England, and Resolved to be necessary here; viz. L. H. J. Liber No. 52 March 17

"To do equal Law and Right to all the King's Subjects, rich and poor; and not to delay any Person of common Right, for the Letters of the King, the Lord Proprietary, or of any other, or for any other Cause; but if any such Letters come to them, they shall proceed to do the Law, the same Letters notwithstanding."

And that a Copy of these Resolves be made and given to the said Committee, when they first go out every Session; and that making and giving such Copies be the undoubted Duty of the Clerk of this House, and within the Purview of his Oath.

Resolved also, That this Province is not under the Circumstances of a conquered Country; that if it were, the present Christian Inhabitants thereof would be in the Circumstances, not of the Conquered, but of the Conqueror, it being a Colony of the English Nation, encouraged by the Crown to transplant themselves hither, for the Sake of improving and enlarging It's Dominions; which, by the Blessing of God upon their Endeavours, at their own Expence and Labour, has been in a great measure obtained: And 'tis unanimously Resolved, that whoever shall advance, that his Majesty's Subjects, by such their Endeavours and Success, have forfeited any Part of their English Liberties, are not Wellwishers to the Country, and mistake it's happy Constitution.

Resolved further, That if there be any Pretence of Conquest, it can be only supposed against the Native Indian Infidels; which Supposition cannot be admitted, because the Christian Inhabitants purchased great Part of the Land they at first took up from the Indians, as well as from the Lord Proprietary, and have ever since continued in an amicable Course of Trade with them; except some partial Outrages and Skirmishes, which never amounted to a general War, much less to a general Conquest, the Indians yet enjoying their Rights and Privileges of Treaties and Trade with the English, of whom we yet frequently purchase their Rights of such Lands as we take up, as well as of the Lord Proprietary. p. 10

Resolved further, That this Province hath always hitherto had the Common Law, and such general Statutes of England, as are securitative of the Rights and Liberties of the Subject, and such Acts of Assembly as were made in the Province to suit it's particular Constitution, as the Rule and Standard of it's Government and Judicature; such Statutes and Acts of Assembly being subject to the like Rules of Common Law, or equitable Construction, as are used by the Judges in construing Statutes in England; which happy

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Rules have, by his Majesty and his Royal Ancestors, and also by his Lordship and his Noble Ancestors, or some of them, been hitherto approved, by having the Commissions of Judicature, to include Directions of that Nature to the several judicial Magistrates; unless those Words have at any Time been carefully or carelessly omitted by the Officers in this Province, that drew such Commissions.

Resolved, That the Levying and Taking the Sum of Twelve Pence Sterling per Hogshead, by the Right Honourable the Lord Proprietary of this Province, on all Tobacco exported out of the same, under Pretence and Colour of the Act of 1704, is not warranted by Law.

Resolved, Nemine Contradicente, That if the above Act of 1704 had been in Force from the Restoration of the Government by the Crown to the Right Honourable the Lord Proprietary, to this Time; yet, the Sum of Three Pence Sterling, Part of the said Twelve Pence Sterling, agreeable to the plain Construction of the abovementioned Act of 1704, and her late Majesty Queen Anne's Instructions to her Governor here when the said Act was in Force, ought to be applied towards the purchasing of Arms and Ammunition for the Defence of this Province.

Resolved, That the Hours of Sitting, for Dispatch of Public Business, be from Nine of the Clock until Twelve; and from Two of the Clock Afternoon until Five.

Ordered, That Mr. Sothoron do acquaint the Reverend Mr. Cain [*Samuel Keene*], That he is desired by this House to Read Divine Service, at a Quarter before Nine in the Morning, and at Five of the Clock in the Afternoon, during this Session.

Ordered, That an Address be prepared, to be presented to his Excellency on his Speech; and that Mr. John Hall, Mr. Edward Tilghman, Mr. Charles Goldsborough, Mr. Hayward, Mr. Dulany, Mr. James Tilghman, and Mr. Robert Lloyd, do prepare and bring in the same.

The House adjourns till the Morrow Morning 9 of the Clock.

March 18 p. 11

Thursday, March 18, 1762.

The House met according to Adjournment: The Members were called, and all appeared as Yesterday. The Proceedings were Read.

On Motion, Ordered, That Mr. Speaker do issue his Warrant to the Deputy Secretary of this Province forthwith to make out a Writ of Election, directed to the Sheriff of Cæcil County, to Elect a Delegate to serve in the General Assembly of this Province, now Sitting, in the Room of Mr. Francis Mauldin, deceased.

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Liber No. 52
March 18

Mr. James John Mackall, a Delegate returned for Calvert County, and Mr. John Hammond, a Delegate returned for Anne-Arundel County, appeared in the House.

Ordered, That Mr. Gantt and Mr. Worthington do go with those Gentlemen to the Upper House, to see them Qualified.

They return and acquaint Mr. Speaker, They saw them Qualified in the usual Manner.

The Gentlemen took their Seats in the House.

The House adjourns till 2 of the Clock.

Post-Meridiem. The House met according to Adjournment.

Mr. James Tilghman brings in and delivers to Mr. Speaker, an Address to his Excellency, which was Read; and thereupon the Question was put, That the last Part of the last Clause be struck out, viz.

And as that Reprehension is so general, we must conclude that our most Gracious Sovereign and his Ministers, have not been fully and truly informed of the repeated generous Offers of the People, heretofore made by their Representatives, to raise very large Supplies for his Majesty's Service, by Bills passed for those Purposes, and constantly refused by the Upper House.

For the Negative,

J. Hall,
Hynson,
Ringgold,
Richard Lloyd,
Worthington,
H. Hall,
Hammond,
Gantt,
J. J. Mackall,
Stoddert,
Smallwood,
Hanson,
Dent,
J. Tilghman,
Thomas,
Sulivane,
Deye,
Ward,
Beall,
Waring,
Jacobs,
Robert Lloyd,
E. Tilghman,
Wright,
Chapline,
Magruder.
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For the Affirmative,

Sothoron,
B. Mackall,
Graham,
Hayward,
W. Adams,
J. Adams,
Edmondson,
J. Goldsborough,
Gray,
Dulany,
Stuart,
Harris,
Selby,
Allen,
Chaille.
[15]

And thereupon the Question was put, That this House do concur therewith. Resolved in the Affirmative.

And the Address aforesaid was Ordered to be Ingrossed.

The House appointed Mr. John Goldsborough, Mr. William Allen, Mr. John Hall, Mr. Edmondson, Mr. Ringgold, and Mr. Harris, a Committee of Elections and Privileges.

L. H. J. Liber No. 52 March 18 Mr. John Goldsborough, Mr. Hayward, Mr. Waring, Mr. Sulivane, Mr. Hynson, Mr. Dent, and Colonel Richard Lloyd, a Committee of Accounts.

Mr. James Tilghman, Dr. George Steuart, Mr. Henry Hall, Mr. Dulany, Mr. Edward Tilghman, Mr. Robert Lloyd, and Mr. John Hall, a Committee of Grievances and Courts of Justice.

Mr. Benjamin Mackall, Mr. Selby, Mr. James John Mackall, Mr. Smallwood, and Mr. Thomas, a Committee to enquire into the State and Condition of the Arms and Ammunition, and Accounts relating thereto. p. 12

Mr. Dulany, Mr. Worthington, Mr. Hanson, Mr. Ringgold, Mr. Robert Lloyd, Mr. Beall, and Mr. Stoddert, a Committee to inspect the Accounts and Proceedings of the Commissioners or Trustees for Emitting Bills of Credit, established by Act of Assembly.

Mr. John Hammond, Mr. Allen, Mr. John Hall, Mr. Edward Tilghman, Mr. Ringgold, Mr. Harris, and Mr. Chaille, a Committee to inspect into the several Public Offices, and to Report to the House the State and Condition thereof.

The following Message was sent to the Upper House by Mr. Hanson and Mr. Ringgold.

By the Lower House of Assembly, 18th March, 1762.

May it please your Honours,

This House hath appointed Mr. Dulany, Mr. Worthington, Mr. Hanson, Mr. Ringgold, Mr. Robert Lloyd, Mr. Beall, and Mr. Stoddert, a Committee from this House to inspect the Accounts and Proceedings of the Commissioners or Trustees for Emitting Bills of Credit, established by Act of Assembly; and desire your Honours will appoint one or more Members of your House to join in the said Committee.

Signed ꝑ Order, J. A. Thomas, Cl. Lo. Ho.

Mr. James Tilghman brings in and delivers to Mr. Speaker, the following Ingrossed Address to his Excellency.

To his Excellency Horatio Sharpe, Esq; Governor and Commander
in Chief in and over the Province of Maryland.

The humble Address of the House of Delegates.

May it please your Excellency,

We, his Majesty's most dutiful and loyal Subjects, the Delegates of the Freemen of Maryland, in Assembly convened, return your Excellency our Thanks for your Speech at the Opening of this Session.

We shall immediately take the Matters recommended by your Excellency, into our most serious Consideration; and as we are under the strongest Obligations of Loyalty and Gratitude to the Best of Kings, and the Inducement of our own Interest, we are

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determined to use our utmost Endeavours, with all possible Dispatch, to answer the Royal Expectations in a Manner the most suitable to the Circumstances of our Constituents, of which your Excellency has been so candid as to allow, that we must be supposed to be the best Judges.

As to the severe Reprehension contained in the Earl of Egremont's Letter, which you have been pleased to lay before us, it is the particular Misfortune of this Province to be without an Agent at Home, to represent the Transactions of their Delegates in their true Light, owing to the constant Refusal of the Upper House to pass the Bills, which have been at almost every Opportunity offered them, for the Support of a Person of that Character in London. And as that Reprehension is so general, we must conclude that our most Gracious Sovereign and his Ministers, have not been fully and truly informed of the repeated generous Offers of the People, heretofore made by their Representatives, to raise very large Supplies for his Majesty's Service, by Bills passed for those Purposes, and constantly refused by the Upper House.

Which was Read and Assented to, and Signed, by Order of the House, by the Honourable Speaker.

p. 13

Ordered, That Mr. Edward Tilghman and Col. Richard Lloyd do acquaint his Excellency, That this House hath prepared an Address, to be presented to him, and desires to know when and where he will be pleased to receive it. They return and acquaint Mr. Speaker, That his Excellency signified he would receive it in a Quarter of an Hour in the Conference Chamber.

Ordered, That Mr. Robert Lloyd, with Eleven more, do present the Address to his Excellency.

The House adjourns till the Morrow Morning 9 of the Clock.

Friday, March 19, 1762.

March 19

The House met according to Adjournment. The Members were called, and all appeared as Yesterday. The Proceedings were Read.

On Motion, Resolved, That this House will, immediately after the Sitting of the House on the Morrow Morning, take into Consideration the Subject Matter contained in his Excellency's Speech, together with the Letters from his Majesty's Secretary of State, and Sir Jeffery Amherst.

The House adjourns till 2 of the Clock.

Post-Meridiem. The House met according to Adjournment.

On Motion, Leave was given to bring in a Bill for the Adjournment and Continuance of Queen-Anne's and Prince-George's County Courts;

L. H. J. Liber No. 52 March 19

Ordered, That Mr. Charles Goldsborough and Mr. James Tilghman do prepare and bring in the same.

Mr. John Goldsborough brings in and delivers to Mr. Speaker, the following Report:

By the Committee of Elections and Privileges, March 19th, 1762.

Your Committee having inspected the several Writs for Electing Delegates and Citizens to serve in this General Assembly, do find,

That Messieurs Henry Greenfield Sothoron, Edmund Key, George Plater, and John Hall, Delegates of St. Mary's County, are duly Returned.

That Messieurs William Smallwood, John Trueman Stoddert, George Dent, and John Hanson, Delegates of Charles County, are duly Returned.

That Messieurs Charles Grahame, James John Mackall, Benjamin Mackall, and Edward Gantt, Delegates of Calvert County, are duly Returned.

That Messieurs William Murdock, Mordecai Jacobs, Josias Beall, and Francis Waring, Delegates of Prince-George's County, are duly Returned.

That Messieurs Thomas Johnson, junior, John Hammond, Brice Thomas Beale Worthington, and Henry Hall, Delegates of Anne-Arundel County, are duly Returned.

That Messieurs John Paca, Thomas Cockey Deye, John Hammond Dorsey, and Corbin Lee, Delegates of Baltimore County, are duly Returned.

That Messieurs Benton Harris, Parker Selby, William Allen, and Peter Chaille, Delegates of Worcester County, are duly Returned.

p. 14 That Messieurs William Hayward, William Waters, John Adams, and William Adams, Delegates of Somerset County, are duly Returned.

That Messieurs Henry Hooper, Joseph Cox Gray, Daniel Sulivane, and Charles Goldsborough, Delegates of Dorchester County, are duly Returned.

That Messieurs Pollard Edmondson, James Tilghman, John Goldsborough, and William Thomas, Delegates of Talbot County, are duly Returned.

That Messieurs Robert Lloyd, Edward Tilghman, James Hollyday, and Thomas Wright, Delegates of Queen-Anne's County, are duly Returned.

That Messieurs William Hynson, Richard Lloyd, Simon Wilmer, and Thomas Ringgold, Delegates of Kent County, are duly Returned.

That Messieurs Michael Earle, Henry Baker, Francis Mauldin, and William Ward, Delegates of Cæcil County, are duly Returned.

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March 19

That Messieurs Joseph Chapline, Nathan Magruder, Thomas Beatty, and Thomas Cresap, Delegates of Fredreick County, are duly Returned.

That Messieurs George Stuart and Walter Dulany, Delegates of the City of Annapolis, are duly Returned.

Your Committee beg Leave to observe, that they find in the Form of the Writ of Election, directed by the Act of Assembly, the following Sentence: "And during the Courts sitting, the said Freemen are required to appear, or the major Part of such of them as shall then appear, shall and may, and are hereby authorized, &c." and that the Writ of Election for Charles County does vary from the said Form, by the Words shall and may being left out in the said Paragraph of the said Writ. And that in the Writ of Election for Frederick County, the Words affixed to these Presents, expressed in the latter Part of the Form of the Writ directed by the Act of Assembly of this Province, is also omitted. Both which Variances we take to be Omissions of the Clerk in making out the said Writs.

All which is humbly submitted to the Consideration of your Honourable House.

Signed ꝑ Order, Richard Tilghman, junior, Clerk.

Which was read and ordered to lie on the table.

Ordered that Mr. J. Goldsborough, Mr. Beall and Mr. Hayward be a Committee to inquire what Laws will expire at the End of this Session, and report the same to the House.

Mr. Charles Goldsborough brings in and delivers to Mr. Speaker, a Bill, entituled, An Act for the Adjournment and Continuance of Queen-Anne's and Prince-George's County Courts; which was Read the first Time, and Ordered to lie on the Table.

The House appointed Mr. William Wilkins a Clerk, to attend the several Committees that may be appointed this Session.

Ordered, That Mr. Henry Hall do Qualify him in the usual Manner.

Mr. Henry Hall acquaints Mr. Speaker, That Mr. William Wilkins had taken the several Oaths to the Government required by Law, subscribed the Oath of Abjuration, repeated and signed the Test, and took the following Oath of Office:

[You William Wilkins do swear, that you will true Entries make of all such Matters and Things as shall be to you directed by any Committee of the Lower House of Assembly, for whom you shall act as Clerk; and that you will not divulge the Secrets of the said House of Assembly, or of any Committee thereof; but will, in all Things, well and truly demean yourself, according to the best of your Knowledge: So help you God. EDITOR'S NOTE.—*This oath appears in the contemporary printed Votes and Proceedings but not in the original manuscript journal.*]

L. H. J. Liber No. 52 March 19 The Bill, entituled, An Act for the Adjournment and Continuance of Queen-Anne's and Prince-George's County Courts, was Read a second Time by especial Order, and will pass; and was sent to the Upper House by Mr. Edward Tilghman and Mr. Wright.

p. 15 The following Message was sent to the Upper House by Mr. Ringgold and Mr. Hanson.

By the Lower House of Assembly, March 19th, 1762.

May it please your Honours,

This House being very sensible, that many Matters relative to the Office and Proceedings of the Commissioners or Trustees for Emitting Bills of Credit, established by Act of Assembly, and the Payments and Returns of other Officers into that Office, require as early an Inspection as possible, we hope it will be looked upon as a sufficient Excuse for repeating our Message of Yesterday, desiring your Honours to appoint one or more Members of your House to join the Members of this House, appointed for that Purpose.

Signed ℘ Order, J. A. Thomas, Cl. Lo. Ho.

The House adjourns till the Morrow Morning 9 of the Clock.

March 20

Saturday, March 20, 1762.

The House met according to Adjournment: The Members were called, and all appeared as Yesterday. The Proceedings were Read.

His Excellency communicated to Mr. Speaker, the following Message:

Gentlemen of the Lower House of Assembly,

I am obliged to you for your Promise, to take immediately into your most serious Consideration, the Matters, which, in Obedience to his Majesty's Commands, I have recommended to you, and shall be much pleased, if your Conduct, during the Course of this Session, evinces your Loyalty and Gratitude to the Best of Kings, and your Readiness to comply with his Requisitions.

The Miscarriage of former Lower Houses, in any Attempts they may have made towards the Establishment of an Agent in London, to represent their Transactions to his Majesty and his Ministers, you will not, I am in Hopes, impute to me; and if the Journals of the House of Delegates, and the several Bills offered by them, to the Upper House, may be supposed to contain a true Representation of their Proceedings, I presume there cannot have been that great Necessity which you seem to apprehend, for the Appointment of such a Person, because those Journals have been regularly transmitted for the Information of his Majesty's Ministers; and as the Lower House Journal, for the Session held in March 1758, contained the Arguments which had been urged by both Houses against, and in support of, the Supply Bill you seem to allude to, I took the Liberty (being as desirous as any Gentleman among you, to have the Dispute finally determined) to refer Mr. Pitt, who was then one of his Majesty's Principal Secretaries of State, to that Journal in particular, for a clear and full State of the Dispute, which had subsisted between the Two Houses, and I moreover told him, that I was afraid no Supplies for the King's Service would be granted in this Province, unless his Majesty should be pleased to have the Dispute thoroughly examined into, and finally settled. At the Desire of the Lower House in December 1757, I sent a Copy (attested by their Clerk) of the Supply Bill they had then Framed, to the Commander in Chief of the King's Forces in North-America, who was so far from thinking it an Evidence of their Zeal to promote the Service of his Royal Master, that he applauded the Conduct of the Upper House in rejecting it. The Opinion of Mr. Pratt, his Majesty's Attorney-General, on the Supply Bill that was offered to the Upper House in April 1758, (which Opinion I communicated to the People's Representatives about Two Years ago) will show you in what Light those Offers of theirs, which you term Generous ones, were seen by him; and I am apt to think they appeared in pretty much the same Light to his Majesty's Ministers. The Resolves of the late Lower Houses of Assembly to raise Money for the King's Service, as often as they were pleased to make such Resolves, were communicated to the Generals Commanding the King's Forces on this Continent (sometimes, as in April 1759 and 1760, at the particular Request of the Lower House) and I doubt not but those Generals transmitted the same to one of his Majesty's Princpial Secretaries of State: You will not, therefore, I hope, conclude, from the severe Reprehension contained in the Earl of Egremont's Letter, that neither our most Gracious Sovereign, nor his Ministers, have as yet been fully and truly informed of the Proceedings of the Gentlemen, who composed the late Lower Houses of Assembly in this Province, nor (cautioned as you are by the King's express Command) bring on this Province, by your adopting the Measures which former Lower Houses so obstinately pursued, his Majesty's just Resentment.

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p. 16

Hor.° Sharpe.

Which was Read, and Ordered to lie on the Table.

The Order of the Day being Read; the House proceeds to take into Consideration, the Subject-matter contained in his Excellency's Speech, and his Majesty's principal Secretary of State, and Sir Jeffery Amherst's Letters; and thereupon, on Motion, the Question was put, Whether 300, or 400 Men, be raised for his Majesty's Service, agreeable to the said Letters. Resolved that 400 Men be raised.

L. H. J.
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For 400 Men,

Hynson,
Ringgold,
Richard Lloyd,
Worthington,
H. Hall,
Hammond,
Gantt,
J. J. Mackall,
Stoddert,
Smallwood,
Hanson,
Dent,
J. Tilghman,
Deye,
Ward,
Beall,
Waring,
Jacobs,
Robert Lloyd,
E. Tilghman,
Chapline,
Magruder.
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For 300 Men,

Sothoron,
J. Hall,
B. Mackall,
Grahame,
Hayward,
W. Adams,
J. Adams,
Edmondson,
J. Goldsborough,
Thomas,
C. Goldsborough,
Sulivane,
Gray,
Dulany,
Steuart,
Wright,
Harris,
Selby,
Allen,
Chaille.
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The House adjourns till 2 of the Clock.

Post-Meridiem. The House met according to Adjournment.

On Motion, the Question was put, That the following Question be put, viz. That this House will, out of the first Supplies that shall be granted for his Majesty's Service, appropriate a Sum sufficient to repay the Money advanced in the Year 1758 by General Forbes, for the Pay, Victualling and Cloathing of the Troops, formerly in the Pay of this Province, from the Time the Money granted for the Pay, Subsistence and Cloathing of the said Men, was expended, till the said Troops were taken into his Majesty's Servcie in the Year 1758 by General Forbes, so far as the same shall appear to be just and reasonable. Resolved in the Affirmative.

For the Affirmative,

Hynson,
Ringgold,
Richard Lloyd,
Worthington,
H. Hall,
Hammond,
J. J. Mackall,
Stoddert,
Smallwood,
Hanson,
Dent,
J. Tilghman,
Deye,
Ward,
Beall,
Waring,
Jacobs,
Robert Lloyd,
E. Tilghman,
Chapline,
Magruder,
Sulivane.
[22]

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Liber No. 52
March 20

For the Negative,

Sothoron,
J. Hall,
Gantt,
B. Mackall,
Grahame,
Hayward,
W. Adams,
J. Adams,
Edmondson,
J. Goldsborough,
Thomas,
C. Goldsborough,
Gray,
Dulany,
Steuart,
Wright,
Harris,
Selby,
Allen,
Chaille.
[20]

p. 17

On Motion, Resolved, That this House will forthwith make Provision for Raising, Cloathing and Paying 400 Men, Commissioned and Non-commissioned Officers included, for his Majesty's Service, agreeable to the Requistion of his Majesty's Secretary of State, and that they be continued in Pay till the first Day of April, in the Year 1763.

Resolved, That the Sum of Eight Pounds Bounty Money be paid to each able-bodied Man, who shall be Enlisted by any Officer, and shall pass Muster, and shall serve under any Commanding Officer duly authorized; and that Twenty Shillings be paid to the Officer, who shall Enlist such able-bodied Man.

Resolved, That this House will, out of the first Supplies that shall be granted for his Majesty's Service, appropriate a Sum sufficient to repay the Money advanced in the Year 1758 by General Forbes, for the Pay, Victualling and Cloathing the Troops, formerly in the Pay of this Province, from the Time the Money granted for the Pay, Subsistence and Cloathing of the said Men, was expended, till the said Troops were taken into his Majesty's Service in the Year 1758 by General Forbes, so far as the same shall appear to be just and reasonable.

The House refers the farther Consideration of the Subject-matter contained in his Excellency's Speech, and his Majesty's Secretary of State, and Sir Jeffery Amherst's Letters, till the Meeting of the House on Monday Morning.

Mr. Hammond, Mr. Jacobs, and Mr. Gantt, have Leave of Absence till Monday.

The House adjourns till Monday Morning 9 of the Clock.

Monday, March 22, 1762.

March 22

The House met according to Adjournment: The Members were called, and all appeared as on Saturday. The Proceedings were Read.

Mr. Thomas Johnson, a Delegate returned for Anne-Arundel County; Mr. John Paca, a Delegate returned for Baltimore County; Mr. Thomas Beatty, a Delegate returned for Frederick County; and

L. H. J. Liber No. 52 March 22 Mr. George Plater, a Delegate returned for St. Mary's County; appeared in the House.

Ordered, That Mr. Magruder and Mr. Worthington do go with those Gentlemen to the Upper House, to see them Qualified.

They return and acquaint Mr. Speaker, They saw them Qualified in the usual Manner.

The Gentlemen took their Seats in the House.

Samuel Chamberlaine, Esq; from the Upper House, delivers to Mr. Speaker, the following Message:

By the Upper House of Assembly, 22d March, 1762.

Gentlemen,

Not being able to make up an House for the Dispatch of Business, from the Indisposition of several of our Members, till this Morning, we now, agreeable to your Messages of the 18th and 19th Instant, do appoint Samuel Chamberlaine, Esq; to join the Members named by your House, in a Committee to inspect the Accounts and Proceedings of the Commissioners of the Paper Currency Office.

Signed per Order, J. Ross, Cl. Up. Ho.

Ordered, That the Clerks appointed to attend the several Committees, do attend the Call of the House.

The further Consideration of the Subject-matter contained in his Excellency's Speech, and his Majesty's Secretary of State, and Sir Jeffery Amherst's Letters, was referred till the Sitting of the House in the Afternoon.

The House Adjourns till 2 of the Clock.

p. 18 Post-Meridiem. The House met according to Adjournment.

Mr. Michael Earle and Mr. Henry Baker, Two Delegates returned for Cæcil County; Mr. William Murdock, a Delegate returned for Prince-George's County; and Mr. William Waters, a Delegate returned for Somerset County; appeared in the House.

Ordered, That Mr. Beall and Mr. Hayward do go with those Gentlemen to the Upper House, to see them Qualified.

They return and acquaint Mr. Speaker, That they saw them Qualified in the usual Manner.

The Gentlemen took their Seats in the House.

John Ridout, Esq; from the Upper House, delivers to Mr. Speaker, a Bill, entituled, An Act for the Adjournment and Continuance of Prince George's and Queen-Anne's County Courts;

Which Bill was indorsed By the Upper House of Assembly March 19, 1762, read the first time and ordered to lie on the table and Thus, By the Upper House of Assembly, 22d March, 1762. Read the Second time and will pass.

L. H. J.
Liber No. 52
March 22

Which Bill was here Read, and passed for Ingrossing.

Mr. Edward Tilghman brings in and delivers to Mr. Speaker, an Ingrossed Bill, entituled, An Act for the Adjournment and Continuance of Prince-George's and Queen-Anne's County Courts; which was Read and Assented to, and sent to the Upper House, with the Paper Bill, by Mr. James Tilghman and Mr. John Hall.

Benedict Calvert, and John Ridout, Esquires, from the Upper House, acquaint Mr. Speaker, That the Governor requires the Attendance of the Lower House immediately in the Upper House.

Mr. Speaker left the Chair, and (with the Members of the Lower House) went to the Upper House, and presented to his Excellency the Governor, an Ingrossed Bill, entituled,

An Act for the Adjournment and Continuance of Prince-George's and Queen-Anne's County Courts;

Which his Excellency passed into a Law in the usual Manner.

Mr. Speaker (with the Rest of the Members) returned to the Lower House, and resumed the Chair.

The House refers the further Consideration of the Subject-matter contained in his Excellency's Speech, and his Majesty's Secretary of State, and Sir Jeffery Amherst's Letters, till the Meeting of the House on the Morrow Morning.

The House adjourns till the Morrow Morning 9 of the Clock.

Tuesday, March 23, 1762.

March 23

The House met according to Adjournment. The Members were called, and all appeared as Yesterday. The Proceedings were Read.

The House proceeds to the Consideration of the Subject-matter contained in his Excellency's Speech, and his Majesty's Secretary of State, and Sir Jeffery Amherst's Letters; and, on Motion, the Question was put, That the following be entered as a Resolve of this House, viz.

Resolved, That if it shall appear that General Forbes has not paid all the Money that accrued due for the Pay, Victualling and Cloathing of the said Men, from the Time the Money granted for that Purpose, was expended, till the Time they were taken into his Majesty's Service, that then this House will make Provision for what further Sum may be due for the Pay, Victualling and Cloathing of the said Men; and if it shall appear that the same shall have been paid by the Crown, that then such further Sum shall be applied to the Reimbursing the Crown for such Payment. Resolved in the Affirmative. p. 19

L. H. J.
Liber No. 52
March 23

For the Affirmative,

Hynson,
Ringgold,
Richard Lloyd,
Worthington,
H. Hall,
Hammond,
Gantt,
J. J. Mackall,
Stoddert,
Smallwood,
Hanson,
Dent,
J. Tilghman,
Thomas,
Sulivane,
Deye,
Paca,
Ward,
Earle,
Waring,
Jacobs,
Murdock,
Robert Lloyd,
E. Tilghman,
Chapline,
Magruder,
Beatty. [27]

For the Negative,

Sothoron,
J. Hall,
Plater,
Johnson,
B. Mackall,
Grahame,
Hayward,
W. Adams,
J. Adams,
Waters,
Edmondson,
C. Goldsborough,
Gray,
Baker,
Dulany,
Steuart,
Wright,
Harris,
Selby,
Allen,
Chaille. [21]

On Motion, the Question was put, That the following be entered as a Resolve of this House, viz.

Resolved also, That this House will, out of the first Supplies which shall be granted for his Majesty's Service, appropriate a sum sufficient to reimburse the Crown the Money advanced or paid by General Forbes, or any other Person by Order or on Behalf of the Crown, for the Pay and Cloathing of the Troops formerly in the Pay of this Province, and by General Forbes taken into his Majesty's Service in the Year 1758, from the Time they were so taken into the said Service, to the End of the Campaign in the said Year, so far as the same shall appear to this House to be just and reasonable, or to make up any Deficiency in Case the whole Sums due to the said Troops be not advanced or paid as aforesaid.

Resolved in the Affirmative.

For the Affirmative,

Hynson,
Ringgold,
Richard Lloyd,
Worthington,
Hammond,
Gantt,
J. J. Mackall,
Stoddert,
Smallwood,
Hanson,
Dent,
J. Tilghman,
Thomas,
Sulivane,
Deye,
Paca,
Ward,
Earle,
Beall,
Waring,
Jacobs,
Murdock,
Robert Lloyd,
E. Tilghman,
Chapline,
Magruder. [26]

L. H. J.
Liber No. 52
March 23

For the Negative,

Sothoron,
J. Hall,
Plater,
Johnson,
B. Mackall,
Grahame,
Hayward,
W. Adams,
J. Adams,
Waters,
Edmondson,
J. Goldsborough,
C. Goldsborough,
Gray,
Baker,
Dulany,
Steuart,
Wright,
Harris,
Selby,
Allen,
Chaille.

[22]

[*In the original manuscript liber, on folios 19 and 20, the Clerk of the Lower House has entered repetitions of the above two motions. These repetitions are not found in the printed contemporary Votes and Proceedings. The repeated motions are omitted here.*]

p. 20 Resolved, That this House will make Provision for such of the Inhabitants of this Province, who have in Consequence of the Governor's Request, marched from any of the Counties of this Province, for the Defence of the Frontiers thereof, since the March of General Braddock from Frederick-Town, in Frederick County, or have Garrisoned the Forts of this Province, since the Forces which have been Raised by this Province, were taken by General Forbes from the said Forts, into his Majesty's Service; and also that this House will make Provision for paying such Persons as have supplied Provisions and other Necessaries for the Use of the said Men, who have Marched as aforesaid, or Garrisoned the said Forts; and for the Expences of the Carriage of Provisions and other Necessaries.

Resolved, That such Provision be by the Appropriation of a Sum sufficient for the said Purposes, out of the first Supplies which shall be granted for his Majesty's Service.

Resolved also, That out of the said Supplies the following Sums shall be appropriated, viz.

A Sum sufficient to reimburse such Persons as have been necessarily put to Expence on Account of Quartering his Majesty's Troops in Cæcil, Kent and Anne-Arundel Counties.

On Motion, Ordered, That Mr. Hanson, Mr. Ringgold, and Mr. Edward Tilghman, be a Committee to make an Estimate of the particular Sums necessary to be raised for answering the Purposes of the Resolves of this House, relative to his Majesty's Service, and other Purposes.

Mr. Hanson brings in and delivers to Mr. Speaker, the following Report:

By the Committee appointed to make an Estimate of the particular Sums necessary to be raised, for answering the Purposes of the Resolves of this House, relative to his Majesty's Service, and other Purposes;

L. H. J. Liber No. 52 March 23 The following is humbly submitted for Consideration.

Bounty Money for 384 Men at £8 ꝑ Man,		£3072 0 0
Enlisting Money for Ditto at 20 s. ꝑ Man,		384 0 0
Cloathing for Ditto, consisting of a Coat, a Flannel Jacket, a Pair of Breeches, 2 Pair Stockings, 2 Shirts, a Hat, a Pair Shoes, each, at £4 per Man,		1536 0 0
The same renewed in the Fall,		1536 0 0
Blankets for 384, one for each, at 15 s.		288 0 0
Pay of 4 Captains 30 Days at 10 s.	£60 0 0	
8 Lieutenants at 6/8	80 0 0	
4 Ensigns at 5 s.	30 0 0	
16 Serjeants at 1/6	36 0 0	
16 Corporals at 1/2	28 0 0	
4 Drummers at 1/2	7 0 0	
384 private Men at 9 d.	391 10 0	
	632 10 0	
11 Months Pay added,	6957 10 0	7590 0 0
p. 21 Subsistence for the above, if thought necessary,		440 0 0
For Reimbursing the Crown and Payment of Arrears, agreeable to the Resolves of the House,		14000 0 0
For Quartering 500 Soldiers in Annapolis, during the Winter 1757,		1500 0 0
Ditto in Kent and Cæcil Counties, during the Winter 1756 and 1757, according to the gross Amount of the Accounts delivered into the House,		1400 0 0
For defraying the Expences of the several Companies of Volunteers sent to the Frontiers at different Times, &c. agreeable to the Resolves of the House,		6000 0 0

Striking the Money, &c. &c.

Signed ꝑ Order, Richard Tilghman, junior, Clerk.

Which was Read the first and second Time, and the House concurs therewith.

On Motion, the Question was put, That this House do immediately after the Sitting of the House in the Afternoon, Resolve itself into a Committee of the whole House, to consider of the Ways and Means for Raising a Sum sufficient to answer the Purposes of the foregoing Resolves. Resolved in the Affirmative.

The House adjourns till 2 of the Clock.

Post-Meridiem. The House met according to Adjournment.

The House Resolves itself into a Committee of the whole House, and made Choice of Mr. Robert Lloyd for their Chairman.

The Committee adjourns to the House.

L. H. J.
Liber No. 52
March 23

Mr. Robert Lloyd, from the Grand Committee, made the following Report, viz. The Grand Committee of the whole House having taken into Consideration the Matter referred to them by the House, have come to the following Resolution, viz. That the Sum of Money to be raised to answer the Purposes of the Resolves of the House, be raised by an equal Assessment on all Estates, Real and Personal, within this Province, and Lucrative Offices and Employments; which was Read, and the Question was put, That this House do concur therewith. Resolved in the Affirmative.

For the Affirmative,

Hynson,
Ringgold,
Richard Lloyd,
Worthington,
H. Hall,
Hammond,
Gantt,
J. J. Mackall,
Stoddert,
Smallwood,
Hanson,
Dent,
J. Tilghman,
Thomas,
Deye,
Paca,
Ward,
Earle,
Baker,
Beall,
Waring,
Jacobs,
Murdock,
Robert Lloyd,
E. Tilghman,
Wright,
Chapline,
Magruder,
Beatty.
[29]

For the Negative,

Sothoron,
J. Hall,
Plater,
Johnson,
B. Mackall,
Grahame,
Hayward,
W. Adams,
J. Adams,
Waters,
Edmondson,
J. Goldsborough,
C. Goldsborough,
Gray,
Sulivane,
Dulany,
Steuart,
Harris,
Selby,
Allen,
Chaille.
[21]

On Motion, Leave was given, to bring in a Bill for granting a Supply of Forty five Thousand Pounds for his Majesty's Service, and for defraying the Expences heretofore incurred for the Defense and Security of the Frontier Inhabitants of this Province, and for other Purposes therein mentioned, and for Raising the same by an equal Assessment on all Estates, Real and Personal, within this Province, and Lucrative Offices and Employments;

Ordered, That Mr. Edward Tilghman, Mr. James Tilghman, Mr. Hammond, Mr. Ringgold, Mr. Murdock, Mr. Robert Lloyd, and Mr. Hanson, do prepare and bring in the same.

The House adjourns till the Morrow Morning 9 of the Clock.

L. H. J.
Liber No. 52
March 24
p. 22

Wednesday, March 24, 1762.

The House met according to Adjournment: The Members were called, and all appeared as Yesterday. The Proceedings were Read.

On Motion, Ordered, That Mr. Earle, Mr. Grahame, and Mr. Henry Hall, be added to the Committee to inspect the Accounts and Proceedings of the Commissioners or Trustees for Emitting Bills of Credit, established by Act of Assembly.

Mr. James Hollyday, a Delegate returned for Queen-Anne's County, appeared in the House.

Ordered, That Mr. Thomas and Mr. Wright do go with Mr. Hollyday to the Upper House, to see him Qualified.

They return and acquaint Mr. Speaker, That they saw him Qualified in the usual Manner.

The Gentleman took his Seat in the House.

Samuel Chamberlaine, Esq; from the Upper House, delivers to Mr. Speaker, the following Bills:

A Bill, entituled, An Act continuing an Act, entituled, An Act for Punishment of Horse-Stealers, and other Offenders.

A Bill, entituled, An Act continuing an Act, entituled, An Act to prevent certain Evils and Inconveniencies attending the Sale of strong Liquors, and running of Horse-Races, near the yearly Meetings of the People called Quakers; and to prevent the tumultuous Concourse of Negroes and other Slaves during the said Meetings; and also one other Act, entituled, An Act to amend and explain an Act, entituled, An Act to prevent certain Evils and Inconveniencies attending the Sale of strong Liquors, and running of Horse-Races, near the yearly Meetings of the People called Quakers; and to prevent the tumultuous Concourse of Negroes and other Slaves during the said Meetings.

A Bill, entituled, An Act continuing an Act, entituled, A Supplementary Act to an Act, entituled, An Act laying an Imposition on Negroes, and several Sorts of Liquors, imported; and also on Irish Servants, to prevent the Importing too great a Number of Irish Papists into this Province.

A Bill, entituled, An Act continuing an Act, entituled, An additional and explanatory Act to the Act, entituled, An Act impowering the Commissioners of the County Courts to levy and raise Tobacco, to defray the necessary Charges of their Counties and Parishes.

A Bill, entituled, An Act continuing an Act, entituled, An Act to enable the several and respective County Clerks within this Province, to remove some of the County Records and Papers from the Public Offices.

Severally thus Indorsed; By the Upper House of Assembly, 23d March, 1762. Read the first Time, and Ordered to lie on the Table.

And thus, 24th March, 1762. Read the second Time, and will pass. L. H. J. Liber No. 52 March 24

The House adjourns till 2 of the Clock.

Post-Meridiem. The House met according to Adjournment.

Ordered, that Mr. James Hollyday be added to the Committee for bringing in a Bill for his Majesty's service, and other Purposes.

John Ridout, Esq; from the Upper House, delivers to Mr. Speaker, the following Bills:

A Bill, entituled, An Act continuing an Act, entituled, An additional supplementary Act to the Act, entituled, An Act relating to Servants and Slaves.

A Bill, entituled, An Act continuing an Act, entituled, An Act for the more effectual Punishment of certain Offenders, and for taking from them the Benefit of Clergy.

A Bill, entituled, An Act continuing an Act, entituled, An Act to exempt Persons, appearing at Musters, from Arrests in Civil Cases.

A Bill, entituled, An Act continuing an Act, entituled, An Act for the more effectual Punishment of Negroes and other Slaves; and for taking away the Benefit of Clergy from certain Offenders; and a Supplementary Act to an Act, entituled, An Act to prevent the tumultuous Meeting, and other Irregularities of Negroes and other Slaves, and directing the Manner of trying Slaves.

A Bill, entituled, An Act continuing an Act, entituled, An Act relating to Guardians and Orphans. p. 23

A Bill, entituled, An Act continuing an Act, entituled, An Act for destroying Wolves in Frederick County.

A Bill, entituled, An Act continuing an Act, entituled, An Act to make the Testimony of Convicted Persons legal against Convicted Persons.

Severally thus Indorsed, By the Upper House of Assembly, 23d March, 1762. Read the first Time, and Ordered to lie on the Table.

And thus, By the Upper House of Assembly, 24th March, 1762. Read the second Time, and will pass.

Mr. John Hammond Dorsey, a Delegate returned for Baltimore County, appeared in the House.

Ordered, That Mr. Benjamin Mackall and Mr. Waring do go with Mr. Dorsey to the Upper House, to see him Qualified.

They return and acquaint Mr. Speaker, That they saw him Qualified in the usual Manner.

The Gentleman took his Seat in the House.

Stephen Bordley, Esq; from the Upper House, delivers to Mr. Speaker, the following Petitions:

The Petition of William and Mary Clajon: The Petition of the Rector, Vestry-men, and Church-wardens of St. Peter's Parish, in

L. H. J. Liber No. 52 March 24 Talbot County: The Petition of the Rector, Vestry-men, and Churchwardens of Coventry Parish, in Somerset and Worcester Counties:

Severally thus Indorsed; By the Upper House of Assembly, 24th March, 1762. Read and Referred to the Consideration of the Lower House of Assembly."

Mr. Hammond has Leave of Absence.

The house adjourns till the Morrow morning 9 of the Clock

March 25 Thursday March 25.th 1762.

The House met according to Adjournment. The Members were called and all appeared as Yesterday, except M.r Hammond, The Proceedings were read

M.r John Goldsborough brings in and delivers to M.r Speaker the following Report

By the Committee appointed by the honourable the Lower House of Assembly to enquire what Laws will expire this Session.

do find that the following Laws will expire at the End of this Session, unless continued

An Act entituled an Additional and explanatory Act to the Act, entituled, an Act impowering the Commissioners of the County Courts to levy and raise Tobacco, to defray the necessary Changes of their Counties and Parishes made at a Session of Assembly begun and held at the City of Annapolis the 10.th Day of May 1748.

An Act entituled an Act for destroying Wolves in Frederick County, made at a Session of Assembly begun and held at the City of Annapolis the 15.th Day of May 1751

An Act entituled an Act to prevent certain Evils and Inconveniences attending the Sale of strong Liquors and running of Horse Races near the Yearly Meetings of the People called Quakers; and to prevent the tumultuous Concourse of Negroes and other Slaves during the said Meetings, made at a Session of Assembly begun and held at the City of Annapolis the 16.th Day of May 1747. And also one other Act, entituled, an Act to amend and explain an Act entituled an Act to prevent certain Evils and Inconveniencies attending the Sale of strong Liquors and running of Horse Races near the Yearly Meetings of the People called Quakers, and to prevent the tumultuous Concourse of Negroes and other Slaves during the said Meetings, made at a Session of Assembly begun and held at the City of Annapolis the 3.d Day of June 1752

p. 24 An Act, entituled an Act for Punishment of Horse Stealers and other Offenders, made at a Session of Assembly begun and held at the City of Annapolis the 1.st Day of May 1744

An Act entituled a Supplementary Act to an Act entituled an Act laying an Imposition on Negroes and several Sorts of Liquors imported, and also on Irish Servants, to prevent the importing too great a Number of Irish Papists into this Province, made at a Session of Assembly begun and held at the City of Annapolis the 20.th Day of March, 1734

An Act entituled an Act to enable the several and respective County Clerks within this Province to remove some of the County Records and Papers from the publick Offices, made at a Session of Assembly begun and held at the City of Annapolis the 10.th Day of May 1748

An Act entituled an Act for the more effectual Punishment of certain Offenders, and for taking from them the Benefit of Clergy, made at a Session of Assembly, begun and held at the City of Annapolis the 26.th day of April 1737

An Act entituled an additional Supplementary Act to the Act entituled an Act relating to Servants and Slaves, made at a Session of Assembly begun and held at the City of Annapolis the 10.th Day of May 1748

An Act, entituled an Act for the more effectual Punishment of Negroes and other Slaves, and for taking away the Benefit of Clergy from certain Offenders; and a Supplementary Act to an Act entituled an Act to prevent the tumultuous Meetings and other Irregularities of Negroes and other Slaves, and directing the Manner of trying Slaves, made at a Session of Assembly begun and held at the City of Annapolis the 15.th day of May 1751

An Act entituled an Act to exempt Persons appearing at Musters from Arrests in Civil Cases, made at a Session of Assembly begun and held at the City of Annapolis the 10.th Day of May 1748

An Act, entituled an Act to make the Testimony of convicted Persons legal against convicted Persons made at a Session of Assembly begun and held at the City of Annapolis the 15.th Day of May 1751

An Additional Supplementary Act to the Act entituled an Act for issuing and taking out of the Office of the Commissioners or Trustees appointed for emitting Bills of Credit, established by Act of Assembly, the Sum of four thousand five hundred Pounds Current Money, for Encouragement of such able bodied Freemen as shall voluntarily enlist themselves into his Majesty's Service for the intended Expedition against Canada and for maintaining and conveying them to the Place of Rendezvous, and also for replacing of the said Sum, and for the better regulating Ordinaries and Ordinary Keepers, and for other Purposes therein mentioned, made at a Session of Assembly begun and held at the City of Annapolis the 28.th of September 1757

An Act to make it penal to forge or counterfeit the Bills of Credit of Virginia Pennsylvania New York, East or West Jerseys, or the three Lower Counties on Delaware, called Newcastle, Kent and

L. H. J. Liber No. 52 March 25 Sussex, or to utter or tender the same in Payment within this Province knowing them to be such, made at a Session of Assembly begun and held at the City of Annapolis the 28.th Day of March 1758

An Act relating to Guardians and Orphans, made at a Session of Assembly begun and held at the City of Annapolis the 28.th Day of March 1758.

p. 25 An Act, entituled, an Act to repeal Part of an Act, entituled, an Act repealing Part of an Act laying an Imposition on Negroes and several Sorts of Liquors imported, and also on Irish Servants, to Prevent the importing too great a Number of Irish Papists into this Province, and to lay a Duty on Rum, Spirits, Wine and Brandy imported into this Province from Pennsylvania, or the three Lower Counties on Delaware, called Newcastle Kent and Sussex, made at a Session of Assembly begun and held at the City of Annapolis the 28.th Day of March 1758

An Act continuing an Act entituled an Act for the Relief of such Persons as cannot find Surety for their Appearance, to testify as a Witness against any Person arrested accused or prosecuted, for any criminal Matter made at a Session of Assembly begun and held at the City of Annapolis the 3.d Day of June 1752

An Act continuing an Act, entituled an Act to prevent disabled or superannuated Slaves being set free or the Manumission of Slaves by any last Will or Testament, made at a Session of Assembly begun and held at the City of Annapolis the 3.d Day of June 1752

An Act continuing an Act for the more effectual destroying Crows and Squirrells in the Counties of Kent Queen Anns and Talbot, and for destroying red Foxes in the said Counties, made at a Session of Assembly begun and held at the City of Annapolis the 24.th Day of May 1749

An Act for destroying Crows and Squirrells in particular Counties, made at a Session of Assembly Begun and held at the City of Annapolis the 3.d Day of October 1728.

An Act continuing an Act for repairing the publick Roads in this Province, made at a Session of Assembly begun and held at the City of Annapolis the 2.d Day of October 1753 Also the Supplementary Act thereto, made at a Session of Assembly begun and held at the City of Annapolis the 23.d Day of February 1756

And your Committee take Leave to inform the honble House, that an Act, entituled, an Act for the speedy and effectual Publication of the Laws of this Province and for the Encouragement of Jonas Green, of the City of Annapolis, Printer, made at a Session of Assembly begun and held at the City of Annapolis the 22.d Day of March 1760 did expire the 2.d Day of April last

All which is humbly submitted to the Consideration of the Honble Houses

Sig.d ℘ Order W.m Wilkins Clk

L. H. J.
Liber No. 52
March 25

Which was read and ordered to lie on the Table

On Motion the Question was put that a Bill be brought in to continue an Act, entituled an Act repealing Part of an Act laying an Imposition on Negroes and several Sorts of Liquors imported and also on Irish Servants to prevent the importing too great a Number of Irish Papists into this Province, and to lay a Duty on Rum Spirits Wines and Brandy imported into this Province from Pennsylvania, or the three Lower Counties on Delaware called Newcastle, Kent and Sussex, resolved in the Negative

For the Negative,

Hynson
Ringgold
Rich.d Lloyd
Hayward
Waters
J. Adams
Edmondson
J. Tilghman
J. Goldsborough
Thomas
C. Goldsborough
Sullivan
Gray
Dye (Deye)
Paca
Dorsey
Ward
Earle
Baker
Waring
Rob.t Lloyd
E. Tilghman
Wright
Hollyday
Harris
Selby
Allen
Chaillee
Chaplin
Magruder
Beatty
[31]

For the Affirmative,

Sothoron
J. Hall
Plater
Worthington
H. Hall
Johnson
Gant
B. Mackall
Graham
J. Mackall
Stoddert
Smallwood
Hanson
Dent
Beall
Jacobs
Murdock
Stuart
[18]

Ordered that M.r J. Goldsborough, M.r Hayward, M.r Beall, M.r Johnson and M.r C. Goldsborough to be a Committee to prepare and bring in Bills to continue the several Acts that will expire at the End of this Session

The House adjourns till 2 of the Clock

Post-Meridiem. The House met according to Adjournment.

The House adjourns till the Morrow Morning 9 of the Clock.

Friday, March 26, 1762.

p. 26
March 26

The House met according to Adjournment: The Members were called, and all appeared as Yesterday. The Proceedings were Read.

The House appoints John Rogers a Clerk, to attend the several Committees that may be appointed this Session.

L. H. J. Liber No. 52 March 26

Ordered, That Mr. Henry Hall do Qualify him in the usual Manner.

Mr. Hall acquaints Mr. Speaker, That John Rogers had taken the several Oaths to the Government required by Law, subscribed the Oath of Abjuration, repeated and signed the Test, and took the Oath of Office.

Mr. Johnson brings in and delivers to Mr. Speaker, the following Bills:

A Bill, entituled, An Act continuing an Act, entituled, An Act for the Relief of such Persons as cannot find Surety for their Appearance, to testify as a Witness against any Person arrested, accused or prosecuted, for any Criminal Matter.

A Bill, entituled, An Act continuing an Act, entituled, An Act for the more effectual destroying Crows and Squirrels in the Counties of Kent, Queen-Anne's and Talbot, and for destroying Red Foxes in the said Counties.

John Ridout, Esq; from the Upper House, delivers to Mr. Speaker, the following Petitions:

The Petition of the Inspectors at Elk-Ridge Landing Warehouse: The Petition of sundry Inhabitants of Frederick County, in and about George-Town: And, The Petition of Frederick Victor.

Severally thus Indorsed, Read and Referred to the Consideration of the Lower House of Assembly.

Mr. Magruder has Leave of Absence till Tuesday.

Mr. Benjamin Mackall has Leave of Absence.

The House adjourns till 2 of the Clock.

Post-Meridiem. The House met according to Adjournment.

Mr. Johhnson brings in and delivers to Mr. Speaker, the following Bills:

A Bill, entituled, An Act continuing an Act, entituled, An Act for destroying of Crows and Squirrels in partciular Counties.

A Bill, entituled, An Act continuing an Act, entituled, An Act to make it Penal to forge or counterfeit the Bills of Credit of Virginia, Pennsylvania, New-York, East or West Jerseys, or the Three Lower Counties on Delaware, called New-Castle, Kent and Sussex, or to utter or tender the same in Payment, within this Province, knowing them to be such.

A Bill, entituled, An Act continuing an Act, entituled, An Act for Repairing the public Roads in this Province, and the Supplementary Act thereto.

A Petition from sundry Freeholders, and other Voters of Calvert County, preferred to the House by Mr. Young Parran, complaining of an undue Election, was Read the first and second Time; and thereupon Ordered, That the Sheriff of Calvert County attend at the

L. H. J. Liber No. 52 March 26

Bar of this House on Wednesday next, being the 31st Day of March, to answer the Complaints contained in the said Petition; and that the Petitioners on or before Wednesday next, deliver to the Person or Persons they intend to charge with undue Practices, the particular Facts they will insist on at the Hearing, in Writing.

Ordered, That the Serjeant at Arms do serve the said Sheriff with a Copy of these Resolves.

Ordered, That a Copy of the said Petition be delivered to the Sitting Members, and to the Sheriff of Calvert County, on their Application.

p. 27 On Motion, Leave was given, to bring in a Bill for erecting a Warehouse at Vienna Town, on Nanticoke River, in Dorchester County: And, Ordered, that Mr. Gray, Mr. Sulivane, and Mr. Charles Goldsborough, do prepare and bring in the same.

Mr. Hammond appears in the House.

The House adjourns till the Morrow Morning 9 of the Clock.

Saturday, March 27, 1762.

March 27

The House met according to Adjournment: The Members were called, and all appeared as Yesterday, except Mr. Benjamin Mackall and Mr. Magruder. The Proceedings were Read.

Mr. Gantt, Mr. Grahame, Mr. Jacobs, Mr. Henry Hall, and Mr. Wright, have Leave of Absence till Monday.

[Mr. James John Mackall, Mr. Beall], and Mr. Waring, have Leave of Absence till Tuesday.

The Petition of the Inspectors at Elk-Ridge Landing, was Read the first and second Time, and was granted; and thereupon Ordered, That Mr. Johnson, Mr. Henry Hall, Mr. Worthington, and Mr. Allen, do prepare and bring in a Bill accordingly.

Richard Lee, Esq; from the Upper House, delivers to Mr. Speaker, the Petition of Mary Woodward, thus Indorsed, By the Upper House of Assembly, 27th March, 1762. Read and Referred to the Consideration of the Lower House of Assembly.

Mr. Sulivane brings in and delivers to Mr. Speaker, a Bill, entituled, An Act for Erecting a Public Warehouse at Vienna Town in Dorchester County.

Mr. John Goldsborough brings in and delivers to Mr. Speaker, a Bill, entituled, An Act continuing an Act, entituled, An additional supplementary Act to the Act, entituled, An Act for issuing and taking out of the Office of the Commissioners or Trustees appointed for Emitting Bills of Credit, established by Act of Assembly, the Sum of 4500 l. Current Money, for Encouragement of such able-bodied Freemen as shall voluntarily Enlist themselves into his

L. H. J. Liber No. 52 March 27

Majesty's Service, for the intended Expedition against Canada; and for maintaining and conveying them to the Place of Rendezvous; as also for replacing of the said Sum, and for the better regulating Ordinaries and Ordinary-Keepers; and for other Purposes therein mentioned.

The House adjourns till 2 of the Clock.

Post-Meridiem. The House met according to Adjournment.

The Petition of the Rector, Vestrymen, and Church-Wardens of Coventry Parish, partly in Somerset and Worcester Counties, was Read the first and second Time; and thereupon the Question was put, That this House do grant the said Petition, Resolved in the Affirmative.

And Ordered, That Mr. Hayward, Mr. Allen, Mr. Waters, and Mr. Harris, do prepare and bring in a Bill accordingly.

The Petition of William and Mary Clajon, was Read the first and second Time; and thereupon Ordered, That Dr. Steuart and Mr. Sothoron do enquire into the Facts set forth in the said Petition, and Report the same to the House.

On Motion, Leave was given, to bring in a Bill To preserve the Breed of Fish in the River Susquehanna:

Ordered, That Mr. Baker, Mr. Johnson, Mr. J. Hall, and Mr. Plater, do prepare and bring in the same.

The House adjourns till Monday Morning 9 of the Clock.

p. 28 March 29

Monday, March 29, 1762.

The House met according to Adjournment: The Members were called, and all appeared as on Saturday, except Mr. J. J. Mackall, Mr. Waring, and Mr. Beall. The Proceedings were Read.

On Motion, Leave was given to bring in a Bill for the Advancement of Justice:

Ordered, That Mr. Charles Goldsborough, Mr. Hayward, and Mr. Allen, do prepare and bring in the same.

The House adjourns till 2 of the Clock.

Post-Meridiem. The House met according to Adjournment.

Mr. Corbin Lee, a Delegate returned for Baltimore County, appeared in the House.

Ordered, That Mr. Paca and Mr. Dorsey do go with Mr. Lee to the Upper House, to see him Qualified.

They return and acquaint Mr. Speaker, That they saw him Qualified in the usual Manner.

The Gentlemen took his Seat in the House.

Mr. Hayward brings in and delivers to Mr. Speaker, a Bill, for the Advancement of Justice.

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Liber No. 52
March 29

The House adjourns till the Morrow Morning 9 of the Clock.

Tuesday, March 30, 1762.

March 30

The House met according to Adjournment: The Members were called, and all appeared as Yesterday. The Proceedings were Read.

Mr. Ridout, Esq; from the Upper House, delivers to Mr. Speaker, the Petition of John Paca, Robert Adair, and Margaret Paca, thus Indorsed; By the Upper House of Assembly, 30th March, 1762. Read and Referred to the Consideration of the Lower House of Assembly

The House adjourns till 2 of the Clock.

Post-Meridiem. The House met according to Adjournment.

Mr. Waring, Mr. Beall, and Mr. Magruder, appear in the House.

Mr. Baker brings in and delivers to Mr. Speaker, a Bill, entituled, An Act for the Preservation of the Breed of Fish in the River Susquehanna.

Mr. Harris, brings in and delivers to Mr. Speaker, a Bill, entituled, An Act to impower the Justices of Somerset and Worcester Counties to levy on the taxable Inhabitants of Coventry Parish, partly in Somerset and Worcester Counties, the Quantity of 62,400 lbs. of Tobacco, for the Uses therein mentioned.

Stephen Bordley, Esq; from the Upper House, delivers to Mr. Speaker, the Petition of Col. Henry Bouquet; thus Indorsed, By the Upper House of Assembly, 30th March, 1762. Read and Referred to the Consideration of the Lower House of Assembly.

The House adjourns till the Morrow Morning 9 of the Clock.

Wednesday, March 31, 1762.

March 31

The House met according to Adjournment. The Members were called, and all appeared as Yesterday. The Proceedings were Read.

His Excellency communicated to Mr. Speaker, the following Message:

Gentlemen of the Lower House of Assembly,

I herewith send you Copies of two Letters that I lately received from the Earl of Egremont and Sir Jeffery Amherst, by which you will perceive, that the King thinking it highly essential to the interests and Security of his Subjects in North-America, that the regular Regiments serving on this Continent be recruited with all Expedition, to the full Complement of Effectives, and at the same Time considering how Great-Britain is drained, by furnishing such

L. H. J. Liber No. 52 March 31 p. 29 Numbers of Men for the various Services in all Parts of the World, so as to render it impracticable to recruit these Regiments from thence, hath been pleased to signify to these Provinces, his Desire and Expectations, that they will severally furnish their respective Quotas of Recruits, to compleat the Regiments which have been sent hither from Europe for our Defence and Protection.

As this Demand, Gentlemen, is so very reasonable, and so evidently calculated for the Security and Advantages of these Colonies, I flatter myself you will, on your Parts, most readily perform what is required of you: The Number of Recruits demanded from this Province being only Eighty-four, I doubt not but they may be speedily raised, if you will but appropriate a small Sum to be distributed by Way of Bounty-Money among the Men that may enlist, especially as Sir Jeffery Amherst is pleased to promise a considerable Sum to each Recruit, besides a Reward of Forty Shillings New-York Currency, to the Officer or Person who shall enlist them.

Hor.° Sharpe.

30th March, 1762.

[*The two letters referred to in the first paragraph of above message of Gov. Sharpe, viz. (1) from the Earl of Egremont, and (2) from Sir Jeffrey Amherst, are printed in full in the Archives of Maryland, Volume XIV, pages 13-14 and 28-29*]

p. 30 Which were Read the first and second Time; and thereupon Resolved, That Eighty-four Men be raised, agreeable to the General's Requisition, and that Eight Pounds Bounty-Money be given to each able-bodied Man who shall be enlisted; and that the Sum of Twenty Shillings be given to the Officer, who shall enlist the said Men.

On Motion, the Question was put, That the said Bounty and Enlisting Money be raised by appropriating a Sum sufficient for those Purposes out of the Grant for his Majesty's Service, to be made by the Supply Bill, now preparing by this House. Resolved in the Affirmative.

For the Affirmative,

Hynson,
Ringgold,
Richard Lloyd,
Worthington,
Hammond,
Gantt,
Stoddert,
Smallwood,
Hanson,
Dent,
J. Tilghman,
Sulivane,
Deye,
Paca,
Dorsey,
Ward,
Earle,
Baker,
Beall,
Waring,
Jacobs,
Murdock,
Robert Lloyd,
E. Tilghman,
Magruder,
Beatty.

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March 31
p. 31

For the Negative,

Sothoron,
J. Hall,
Plater,
Grahame,
Hayward,
W. Adams,
J. Adams,
Waters,
Edmondson,
J. Goldsborough,
Thomas,
C. Goldsborough,
Gray,
Lee,
Dulany,
Steuart,
Wright,
Hollyday,
Harris,
Selby,
Chaille. [21]

The Order of the Day was Read.

The Sheriff of Calvert County attended agreeable to the Order of the House.

The House refers the farther Consideration of the Petition of the Freeholders and other Voters of Calvert County, to the Afternoon.

On Motion, the Question was put, Whether the Committee on the Draft of the Supply Bill may have Leave to go out, or the Bill for the Advancement of Justice be read the first Time. Resolved that the Committee go out.

For the Committee's Going Out,

Sothoron,
J. Hall,
Plater,
Hynson,
Ringgold,
Richard Lloyd,
Worthington,
Hammond,
Gantt,
Grahame,
Stoddert,
Smallwood,
Hanson,
Dent,
J. Tilghman,
Thomas,
Sulivane,
Deye,
Paca,
Dorsey,
Lee,
Earle,
Baker,
Beall,
Waring,
Jacobs,
Murdock,
Dulany,
Robert Lloyd,
E. Tilghman,
Wright,
Hollyday,
Magruder,
Beatty. [34]

For the Bill's Being Read,

Hayward,
W. Adams,
J. Adams,
Waters,
Edmondson,
J. Goldsborough,
C. Goldsborough,
Gray,
Ward,
Steuart,
Harris,
Selby,
Chaille. [13]

The House adjourns till 2 of the Clock.

Post Meridiem. The House met according to Adjournment.

Mr. James John Mackall appears in the House.

L. H. J. Liber No. 52 March 31 On Motion, Ordered, That an Address be prepared, to be presented to his Excellency, in Answer to his Message of this Day; and that Mr. Edward Tilghman and Mr. Hammond do prepare and bring in the same.

Mr. Hammond brings in and delivers to Mr. Speaker, an Address to his Excellency; which was Read the first and second Time, and Approved of, and Ordered to be Ingrossed.

The House proceeds to the further Hearing of the Petition of the Freeholders and other Voters of Calvert County, and Dismissed the same with Costs.

Mr. Edward Tilghman brings in and delivres to Mr. Speaker, the following Ingrossed Address:

To his Excellency Horatio Sharpe, Esq; Governor and Commander in Chief in and over the Province of Maryland.

The humble Address of the House of Delegates.

May it please your Excellency,

This House being willing to embrace every Opportunity of Testifying their Loyalty and Gratitude to the Best of Kings, think proper to acquaint you, that in Compliance with the Requisition contained in the Earl of Egremont's and Sir Jeffery Amherst's Letters, which your Excellency has been pleased to lay before us, we have come to the following Resolves, viz.

Resolved, That Eighty-four Men be raised as the Quota of this Province, for compleating the Regular Corps in North-America, agreeable to the Requisition contained in the Earl of Egremont's and Sir Jeffery Amherst's Letters, by his Excellency this Day laid before this House.

Resolved, That Eight Pounds Bounty Money per Man be given to each Man of the Ages mentioned in Sir Jeffery Amherst's said Letter, who shall be Enlisted for the Purposes aforesaid.

Resolved, That Twenty Shillings per Man be given to the Officer, who shall be employed in Enlisting the said Men.

Resolved, That a Sum sufficient for the Purposes aforesaid, be appropriated out of the Grant for His Majesty's Service, to be made by the Supply Bill now preparing by this House.

Which was Read and Assented to, and Signed, by Order of the House, by the Honourable Speaker.

The House adjourns till the Morrow Morning 9 of the Clock.

April 1 p. 32

Thursday, April 1, 1762.

The House met according to Adjournment. The Members were called, and all appeared as Yesterday. The Proceedings were Read.

Ordered, That Mr. Lee and Mr. Plater do acquaint his Excellency, That this House hath prepared an Address, to be presented to him, and desires to know when and where he will be pleased to receive it. They return and acquaint Mr. Speaker, That his Excellency signified he would receive it in the Conference Chamber in Half an Hour.

L. H. J.
Liber No. 52
April 1

Ordered, That Mr. Paca, with Five more, do present the Address to his Excellency.

The House adjourns till 2 of the Clock.

Post-Meridiem. The House met according to Adjournment.

Ordered, That the Committee of Accounts close the Journal of Accounts on Tuesday next.

The House adjourns till the Morrow Morning 9 of the Clock.

Friday, April 2, 1762.

April 2

The House met according to Adjournment: The Members were called, and all appeared as Yesterday. The Proceedings were Read.

The House adjourns till 2 of the Clock.

Post-Meridiem. The House met according to Adjournment.

Mr. James Tilghman, Col. Lloyd, and Mr. Hynson, have Leave of Absence till Tuesday.

Mr. Hammond has Leave of Absence till Monday.

Benedict Calvert, Esq; from the Upper House, delivers to Mr. Speaker, the Petition of sundry Inhabitants of St. Paul's Parish in Baltimore County; thus Indorsed, By the Upper House of Assembly, 2d April, 1762. Read and Referred to the Consideration of the Lower House of Assembly.

The House adjourns till the Morrow Morning 9 of the Clock.

Saturday, April 3, 1762.

April 3

The House met according to Adjournment: The Members were called, and all appeared as Yesterday, except Col. Rich. Lloyd, Mr. Hynson, Mr. James Tilghman, and Mr. Hammond. The Proceedings were Read.

Col. Thomas Cresap, a Delegate returned for Frederick County, appeared in the House.

Ordered, That Mr. Magruder and Mr. Chapline do go with Col. Cresap to the Upper House, to see him Qualified.

They return and acquaint Mr. Speaker, That they saw him Qualified in the usual Manner.

The Gentleman took his Seat in the House.

Mr. Hanson has Leave of Absence till Wednesday: Mr. Deye and Mr. Gantt till Monday.

John Ridout, Esq; from the Upper House, delivers to Mr. Speaker, the Petition of the Mayor, Recorder, Aldermen and Common Coun-

L. H. J. Liber No. 52 April 3 cil of the City of Annapolis; thus Indorsed, By the Upper House of Assembly, 3d April, 1762. Read and Referred to the Consideration of the Lower House of Assembly.

The House adjourns till 2 of the Clock.

Post-Meridiem. The House met according to Adjournment.

The House adjourns till Monday Morning 9 of the Clock.

April 5 p. 33

Monday, April 5, 1762.

The House met according to Adjournment: The Members were called, and all appeared as on Saturday, except Mr. Hanson. The Proceedings were Read.

Mr. Robert Lloyd brings in and delivers to Mr. Speaker, a Bill, entituled, An Act for granting a Supply of [*Forty-five Thousand Pounds*] for his Majesty's Service, and for defraying the Expenses heretofore incurred for the Defence and Security of the Frontier Inhabitants of this Province, and for other Purposes therein mentioned, and for Raising the same by an equal Assessment on all Estates, Real and Personal, and Lucrative Offices and Employments.

The House adjourns till 2 of the Clock.

Post-Meridiem. The House met according to Adjournment.

A Bill, entituled, An Act for granting a Supply of Forty-five Thousand Pounds for his Majesty's Service, and for defraying the Expences heretofore incurred for the Defence and Security of the frontier Inhabitants of this Province, and for other Purposes therein mentioned, and for raising the same by an equal assessment on all Estates real and personal within this Province and lucrative Offices and Employments was Read the first Time, and Ordered to lie on the Table.

Mr. Benjamin Mackall, Mr. Hynson, Col. Lloyd, and Mr. Hammond, appear in the House.

The House adjourns till the Morrow Morning 9 of the Clock.

April 6

Tuesday, April 6, 1762.

The House met according to Adjournment: The Members were called, and all appeared as Yesterday. The Proceedings were Read.

A Bill, entituled, An Act for the Advancement of Justice, was Read the first Time, and Ordered to lie on the Table.

On Motion, Leave was gvien, to bring in a Bill for the Support of an Agent in Great-Britain, for the use of this Province:

Ordered, That Mr. Edward Tilghman, Mr. Hammond, Mr. Ringgold, and Mr. Robert Lloyd, do prepare and bring in the same.

On Motion, Leave was given, to bring in a Bill for Trial of all Matters of Fact in the several Counties where they have arisen, or shall arise: L. H. J. Liber No. 52 April 6

Ordered, That Mr. Edward Tilghman, Mr. Ringgold, Mr. Charles Goldsborough, Mr. John Hall, and Mr. Hollyday, do prepare and bring in the same.

On Motion, Leave was given, to bring in a Bill for Processioning Lands:

Ordered, That Mr. Edward Tilghman, Mr. Ringgold, Mr. Murdock, Mr. Johnson, Mr. John Hall, Mr. Hayward, and Mr. Allen, do prepare and bring in the same.

A bill, entituled, An Act to impower the Justices of Somerset and Worcester Counties to levy on the taxable Inhabitants of Coventry Parish, partly in Somerset and Worcester Counties, the Quantity of 62,400 lbs. of Tobacco, for the Uses therein mentioned, was Read the first Time, and Ordered to lie on the Table.

On Motion, Leave was given, to bring in a Bill for issuing Writs of Replevin out of the County Courts:

Ordered, That Mr. Ringgold, Mr. Hammond, and Mr. Beall, do prepare and bring in the same.

On Motion, Leave was given, to bring in a Bill, entituled, An additional supplementary Act to the Act, entituled, An Act for Enrolling Conveyances, and securing the Estates of Purchasers:

Ordered, That Mr. Ringgold, Mr. John Goldsborough, Mr. Robert Lloyd, Mr. Hammond, and Mr. John Hall to prepare and bring in the same.

On Motion, Leave was given, to bring in a Bill to oblige the Clerks who write in the Public Offices to take the several Oaths to the Government required by Law:

Ordered, That Mr. Edward Tilghman, Mr. Beall, and Mr. Johnson, do prepare and bring in the same.

The Petition of Col. Henry Bouquet: The Petition of Mary Woodward: The Petition of Frederick Victor: The Petition of the Inhabitants of George-Town in Frederick County: The Petition of the Mayor, Recorder, Aldermen and Common Council of the City of Annapolis: The Petition of the Minister, Vestry and Churchwardens of St. Peter's Parish, in Talbot County: The Petition of John Paca, Robert Adair, and Margaret Paca: The Petition of sundry Inhabitants of St. Paul's Parish: Were severally Read, and Ordered to lie on the Table. p. 34

On Motion, Leave was given, to bring in a Bill for Erecting a Market, at the Market-House in Chester-Town, in Kent County:

Ordered, That Mr. Ringgold, Col. Richard Lloyd, and Mr. Hynson, do prepare and bring in the same.

L. H. J.
Liber No. 52
April 6

A Bill, entituled, An Act continuing an Act, entituled, An Act to make the Testimony of Convicted Persons legal against Convicted Persons;

A Bill, entituled, An Act continuing an Act, entituled, An additional supplementary Act to the Act, entituled, An Act relating to Servants and Slaves;

A Bill, entituled, An Act continuing an Act, entituled, An Act relating to Guardians and Orphans;

A Bill, entituled, An Act continuing an Act, entituled, An Act for the more effectual Punishment of Negroes and other Slaves; and for taking away the Benefit of Clergy from certain Offenders; and a Supplementary Act to an Act, entituled, An Act to prevent the tumultuous Meeting, and other Irregularities, of Negroes and other Slaves; and directing the Manner of trying Slaves;

A Bill, entituled, An Act continuing an Act, entituled, A Supplementary Act to an Act, entituled, An Act laying an Imposition on Negroes, and several Sorts of Liquors, imported; and also on Irish Servants, to prevent the Importing too great a Number of Irish Papists into this Province;

A Bill, entituled, An Act continuing an Act, entituled, An Act for the more effectual Punishment of certain Offenders, and for taking from them the Benefit of Clergy;

A Bill, entituled, An Act continuing an Act, entituled, An Act to exempt Persons, appearing at Musters, from Arrests in Civil Cases;

A Bill, entituled, An Act continuing an Act, entituled, An additional and explanatory Act to the Act, entituled, An Act impowering the Commissioners of the County Courts to levy and raise Tobacco, to defray the necessary Charges for their Counties and Parishes;

A Bill, entituled, An Act continuing an Act, entiuled, An Act to enable the several and respective County Clerks within this Province, to remove some of the County Records and Papers from the Public Offices;

A Bill, entituled, An Act continuing an Act, entituled, An Act for Punishment of Horse-Stealers, and other Offenders;

A Bill, entituled, An Act continuing an Act, entituled, An Act to prevent certain Evils and Inconveniencies attending the Sale of strong Liquors, and running of Horse-Races, near the yearly Meetings of the People called Quakers; and to prevent the tumultuous Concourse of Negroes and other Slaves during the said Meetings; and also one other Act, entituled, An Act to amend and explain an Act, entituled, An Act to prevent certain Evils and Inconveniencies attending the Sale of strong Liquors, and running of Horse-Races, near the yearly Meeting of the People called Quakers; and to prevent the tumultuous Concourse of Negrose and other Slaves during the said Meetings;

L. H. J. Liber No. 52 April 6

A Bill, entituled, An Act continuing an Act, entituled, An Act for destroying Wolves in Frederick County;

A Bill, entituled, An Act continuing an Act, entituled, An additional Supplementary Act to the Act, entituled, An Act for issuing and taking out of the Office of the Commissioners or Trustees appointed for Emitting Bills of Credit, established by Act of Assembly, the Sum of £4500 Current Money, for Encouragement of such able- p. 35 bodied Freemen as shall voluntarily Enlist themselves into his Majesty's Service, for the intended Expedition against Canada; and for maintaining and conveying them to the Place of Rendezvous; as also for replacing of the said Sum, and for the better regulating Ordinaries and Ordinary-Keepers; and for other Purposes therein mentioned;

A Bill, entituled, An Act continuing an Act, entituled, An Act for the Relief of such Persons as cannot find Surty for their Appearance, to testify as a Witness against any Person arrested, accused or prosecuted, for any Criminal Matter.

A Bill, entituled, An Act continuing an Act, entituled, An Act for the more effectual destroying Crows and Squirrels in the Counties of Kent, Queen-Anne's and Talbot, and for destroying Red Foxes in the said Counties;

A Bill, entituled, An Act continuing an Act, entituled, An Act to make it Penal to forge or counterfeit the Bills of Credit of Virginia, Pennsylvania, New-York, East or West Jerseys, or the Three Lower Counties on Delaware, called New-Castle, Kent and Sussex, or to utter or tender the same in Payment, within this Province, knowing them to be such.

A Bill, entituled, An Act continuing an Act, entituled, An Act for Repairing the public Roads in this Province, and the Supplementary Act thereto.

A Bill, entituled, An Act continuing an Act, entituled, An Act for destroying Crows and Squirrels in particular Counties.

A Bill, entituled, An Act for Erecting a Public Warehouse at Vienna-Town, in Dorchester County;

A Bill, entituled, An Act for the Preservation of the Breed of Fish in the River Susquehanna;

Were severally Read, and Ordered to lie on the Table.

Richard Lee, Esq; from the Upper House, delivers to Mr. Speaker, the Petition of Jonas Green of the City of Annapolis, Printer; thus Indorsed, By the Upper House of Assembly, 5th April, 1762. Read and Referred to the Consideration of the Lower House of Assembly:

Which said Petition was here Read, and Ordered to lie on the Table.

The House adjourns till 2 of the Clock.

Post-Meridiem. The House met according to Adjournment.

L. H. J. Liber No. 52 April 6 Mr. James Tilghman appears in the House.

On Motion, Leave was given, to bring in a Bill to enable Mary Stansbury, Widow of Tobias Stansbury, late of Baltimore County, deceased, to sell the Lands therein mentioned.

Benedict Calvert, Esq; from the Upper House, delivers to Mr. Speaker, the Petition of James Hollyday; thus Indorsed, By the Upper House of Assembly, 5th April, 1762. Read and Referred to the Consideration of the Lower House of Assembly:

Which was Read the first Time, and the House concurs therewith.

And Ordered, That Mr. J. Tilghman, Mr. Ringgold, and Mr. Johnson, do prepare and bring in a Bill accordingly.

The Petition of sundry Inhabitants of the Province of Maryland, was Read the first Time, and Ordered to lie on the Table.

John Ridout, Esq; from the Upper House, delivers to Mr. Speaker, the Petition of the Rector, Vestrymen, and Church-Wardens of St. James's Parish, in Anne-Arundel County; thus Indorsed, By the Upper House of Assembly, 6th April, 1762. Read and Referred to the Consideration of the Lower House of Assembly:

Which said Petition was here Read, and Ordered to lie on the Table.

The House adjourns till the Morrow Morning 9 of the Clock.

April 7

Wednesday, April 7, 1762.

The House met according to Adjournment: The Members were called, and all appeared as Yesterday, except Mr. Benjamin Mackall. The Proceedings were Read.

The House proceeds to the Reading the Bill for granting a Supply p. 36 of Forty-five Thousand Pounds for his Majesty's Servcie, &c. but for want of Time to read it throughout, consonant to the Rules of Sitting,

The House adjourns till 2 of the Clock.

Post-Meridiem. The House met according to Adjournment.

The House proceeds to the Reading the Bill for granting a Supply of Forty-five Thousand Pounds for his Majesty's Service, and for defraying the Expences heretofore incurred for the Defence and Security of the frontier Inhabitants of this Province, and for other Purposes therein mentioned, and for raising the same by an equal assessment on all Estates real and personal within this Province and lucrative Offices and Employments but for Want of Time to read it throughout, consonant to the Rules of Sitting,

The House adjourns till the Morrow Morning 9 of the Clock.

L. H. J.
Liber No. 52
April 8

Thursday, April 8, 1762.

The House met according to Adjournment: The Members were called, and all appeared as Yesterday. The Proceedings were Read.

The House proceeds to the Reading the Bill for granting a Supply of Forty-five Thousand Pounds for his Majesty's Service, &c. and in Progression, the Question was put, Whether the yearly Tax on Lawyers, Physicians, hired Clerks acting without Commission, Factors, Agents, or Managers, Trading or using Commerce within this Province, as such, shall Pay for Three Years successively, Eight-pence or One Shilling, for every Twenty Shillings of the clear annual Amount of their Profit. Resolved that they shall Pay Eight-pence.

For Eight-Pence,

J. Hall,
Plater,
Hynson,
Ringgold,
Johnson,
Gantt,
J. J. Mackall,
Dent,
Waters,
J. Tilghman,
Thomas,
C. Goldsborough,
Sulivane,
Paca,
Earle,
Baker,
Beall,
Waring,
Murdock,
Robert Lloyd,
E. Tilghman,
Wright,
Hollyday,
Chapline,
Magruder,
Beatty,
Cresap. [27]

For One Shilling,

Sothoron,
Richard Lloyd,
Worthington,
H. Hall,
Hammond,
Grahame,
Stoddert,
Smallwood,
Hayward,
W. Adams,
J. Adams,
Edmondson,
J. Goldsborough,
Gray,
Deye,
Dorsey,
Lee,
Ward,
Jacobs,
Harris,
Selby,
Allen,
Chaille. [23]

On Progression in Reading the Bill aforesaid, the Question was put, That the following Clause be struck out, viz.

Provided always, That every Batchelor or Widower, not having any Child or Children, whose Real and Personal Estate is not valued to the Sum of One Hundred Pounds, shall be assessed the Sum of Five Shillings, in Lieu of all Assessments to be made on his said Real and Personal Estate, in Virtue of this Act. Resolved in the Negative.

L. H. J.
Liber No. 52
April 8

For the Negative,

Sothoron,
J. Hall,
Hynson,
Ringgold,
Worthington,
H. Hall,
Hammond,
Johnson,
Gantt,
Grahame,
Stoddert,
Smallwood,
Dent,
Hayward,
J. Adams,
Edmondson,
Jacobs,
J. Tilghman,
J. Goldbsorough,
Sulivane,
Gray,
Deye,
Dorsey
Lee,
Beall,
Murdock,
Dulany,
Steuart,
Robert Lloyd,
E. Tilghman,
Wright,
Harris,
Chaille,
Cresap.
[34]

For the Affirmative,

Plater,
Richard Lloyd,
J. J. Mackall,
W. Adams,
Waters,
Thomas,
C. Goldsborough,
Paca,
Ward,
Earle,
Baker,
Waring,
Hollyday,
Selby,
Allen,
Chapline,
Magruder,
Beatty.
[18]

On Motion, the Question was put, That the following Clause be inserted:

Provided always, That every Batchelor or Widower of the Age of Twenty-one, and not exceeding Fifty Years, not having any Child or Children, and whose Real and Personal Estate shall not be valued to the Sum of One Hundred Pounds, shall be assessed the Sum of Five Shillings yearly, during the Continuance of this Act, in Lieu of all Assessments to be made on his said Real and Personal Estate, in Virtue of this Act.

Resolved in the Affirmative.

For the Affirmative,

p. 37
Plater,
Hynson,
Ringgold,
Worthington,
Richard Lloyd,
Grahame,
J. J. Mackall,
W. Adams,
Waters,
Edmondson,
J. Tilghman,
J. Goldsborough,
Thomas,
C. Goldsborough,
Paca,
Lee,
Ward,
Earle,
Baker,
Waring,
Murdock,
Steuart,
Robert Lloyd,
E. Tilghman,
Wright,
Hollyday,
Harris,
Selby,
Allen,
Chaille,
Chapline,
Magruder,
Beatty,
Cresap.
[34]

L. H. J.
Liber No. 52
April 8

For the Negative,

Sothoron,
J. Hall,
H. Hall,
Hammond,
Johnson,
Gantt,
Stoddert,
Smallwood,
Dent,
Hayward,
J. Adams,
Sulivane,
Gray,
Deye,
Dorsey,
Beall,
Jacobs,
Dulany. [18]

On Progression in Reading the Bill aforesaid, the Question was put, That the following Clause be struck out, viz.

Provided also, and it is hereby Enacted, That the said Assessors shall not assess any Person whatsoever having Three or more Children, and whose whole Estate, Real and Personal, shall not be valued to Fifty Pounds Current Money.

Resolved in the Negative.

For the Negative,

Plater,
Hynson,
Ringgold,
Richard Lloyd,
Gantt,
J. J. Mackall,
W. Adams,
Edmondson,
J. Tilghman,
J. Goldsborough,
Thomas,
Deye,
Paca,
Dorsey,
Lee,
Ward,
Earle,
Baker,
E. Tilghman,
Wright,
Hollyday,
Harris,
Selby,
Allen,
Chaille,
Beatty,
Cresap. [27]

For the Affirmative,

Sothoron,
J. Hall,
Worthington,
H. Hall,
Hammond,
Johnson,
Grahame,
Stoddert,
Smallwood,
Dent,
Robert Lloyd,
Hayward,
J. Adams,
Waters,
C. Goldsborough,
Sulivane,
Gray,
Beall,
Waring,
Jacobs,
Murdock,
Dulany,
Steuart,
Chapline,
Magruder. [25]

Mr. Sullivane and Mr. Edmondson have Leave of Absence.

The House adjourns till 2 of the Clock.

Post-Meridiem. The House met according to Adjournment.

Mr. Hanson appears in the House.

The House proceeds to the Reading the Bill for granting a Supply of Forty-five Thousand Pounds for his Majesty's Service, &c. and

L. H. J.
Liber No. 52
April 8

in Progression, the Question was put, That an Alteration be made in the Oaths prescribed by the Bill aforesaid, to be taken by Papists and Nonjurors. Resolved in the Negative.

For the Negative,

J. Hall,
Worthington,
Hammond,
Johnson,
Gantt,
J. J. Mackall,
Stoddert,
Hanson,
Dent,
W. Adams,
J. Adams,
Edmondson,
J. Goldsborough,
Gray,
Deye,
Dorsey,
Earle,
Baker,
Jacobs,
Murdock,
Robert Lloyd,
E. Tilghman,
Harris,
Selby,
Allen,
Chaille,
Chapline,
Magruder,
Beatty,
Cresap. [30]

For the Affirmative,

Sothoron,
Plater,
Hynson,
Ringgold,
Richard Lloyd,
H. Hall,
Grahame,
Smallwood,
Hayward,
Waters,
J. Tilghman,
Thomas,
C. Goldsborough,
Sulivane,
Paca,
Lee,
Ward,
Baker,
Waring,
Dulany,
Steuart,
Wright,
Hollyday. [23]

The House adjourns till the Morrow Morning 9 of the Clock.

April 9

Friday, April 9, 1762.

The House met according to Adjournment: The Members were called, and all appeared as Yesterday. The Proceedings were Read.

The House proceeds to the Reading the Bill for granting a Supply of Forty-five Thousand Pounds for his Majesty's Service, &c. and in Progression, the Question was put, Whether the Time limited for the Payment of the Assessment, be the Twentieth Day of June, or the First of September. Resolved that it be the First of September.

p. 38

For the First of September,

J. Hall,
Hynson,
Ringgold,
Richard Lloyd,
Worthington,
H. Hall,
Hayward,
J. Adams,
Waters,
Edmondson,
J. Goldsborough,
Thomas,
Earle,
Beall,
Waring,
Jacobs,
Murdock,
Dulany,

L. H. J.
Liber No. 52
April 9

Hammond,
Grahame,
J. J. Mackall,
Stoddert,
Smallwood,
Hanson,
Dent,
Sulivane,
Gray,
Deye,
Paca,
Dorsey,
Lee,
Ward,
Robert Lloyd,
E. Tilghman,
Wright,
Chaille,
Magruder,
Beatty,
Cresap. [39]

For the Twentieth of June,

Sothoron,
Plater,
Johnson,
Gantt,
J. Tilghman,
C. Goldsborough,
Steuart,
Hollyday,
Harris,
Allen,
Chapline. [11]

The Bill for granting a Supply of Forty-five Thousand Pounds for his Majesty's Service, and for defraying the Expences heretofore incurred for the Defence and Security of the Frontier Inhabitants of this Province, and for other Purposes therein mentioned, and for raising the same by an equal Assessment on all Estates, Real and Personal, and Lucrative Offices and Employments, was Read throughout the second Time, and thereupon the question was put, That the same do Pass. Resolved in the Affirmative.

For the Affirmative,

Hynson,
Ringgold
Richard Lloyd,
Worthington,
H. Hall,
Hammond,
Gantt,
J. J. Mackall,
Stoddert,
Smallwood,
Hanson,
Dent,
J. Tilghman,
Thomas,
Sulivane,
Deye,
Paca,
Dorsey,
Ward,
Earle,
Baker,
Beall,
Waring,
Jacobs,
Murdock,
Robert Lloyd,
E. Tilghman,
Wright,
Chapline,
Magruder,
Beatty,
Cresap. [32]

For the Negative,

Sothoron,
J. Hall,
Plater,
Johnson,
Grahame,
Hayward,
W. Adams,
J. Adams,
Waters,
Edmondson,
J. Goldsborough,
C. Goldsborough,
Gray,
Lee,
Dulany,
Steuart,
Hollyday,
Harris,
Selby,
Allen,
Chaille. [21]

On Motion, the Question was put, That a Message be sent to the Upper House with the Supply Bill. Resolved in the Affirmative.

L. H. J. Liber No. 52 April 9

Mr. John Goldsborough has Leave of Absence.

Mr. Thomas has Leave of Absence till Monday.

The House adjourns for One Hour.

Post-Meridiem. The House met according to Adjournment.

The following Message,

By the Upper [Lower] (sic) House of Assembly 9th April 1762.

May it please your Honours,

To answer the Royal Expectations, communicated to us by his Excellency the Governor at the Opening of this Session, we have framed and passed the Bill which goes to your Honours with this Message: We have formed it upon such a Plan, as to us seems most suitable to the Circumstances of our Constituents, and in such a Manner as we conceive the best adapted to the Nature of the Plan; but as in a new System of such a Length, and of an intricate Nature, some Parts may possibly be found liable to Objections, wihch may have escaped us, and as we, out of a sincere Regard for his Majesty's Service, and an earnest Desire to effect a Termination of that Difference of Sentiment, which has unhappily too long subsisted between the Upper and Lower Houses of Assembly, with respect to the Point of raising Supplies for the Service of the Crown, are willing to depart from a strict parliamentary Course, and for the present to wave our Right respecting the Mode of Proceeding upon Money Bills, we therefore hope that your Honours will shew the same good Disposition; and that if in the Course of your Consideration of our Bill, any Objections to it should occur, you will also overlook the Strictness of Parliamentary Forms, and point them out to us, and we assure your Honours they shall have their due Weight.

Signed ꝑ Order, J. A. Thomas, Cl. Lo. Ho.

p. 39 Was Read, and thereupon the Question was put, That this House do Approve thereof. Resolved in the Affirmative.

For the Affirmative,

Hynson,
Ringgold,
Richard Lloyd,
Worthington,
Hammond,
Stoddert,
Smallwood,
Hanson,
Dent,
J. Tilghman,
Thomas,
Sulivane,
Deye,
Paca,
Dorsey,
Ward,
Earle,
Beall,
Waring,
Jacobs,
Murdock,
Robert Lloyd,
E. Tilghman,
Chapline,
Magruder,
Beatty,
Cresap. [27]

L. H. J.
Liber No. 52
April 9

For the Negative,

Sothoron,
J. Hall,
Plater,
Grahame,
J. J. Mackall,
Gantt,
H. Hall,
Johnson,
Hayward,
W. Adams,
J. Adams,
Waters,
Edmondson,
J. Goldsborough,
C. Goldsborough,
Gray,
Lee,
Dulany,
Steuart,
Hollyday,
Wright,
Harris,
Selby
Allen,
Chaille.

[25]

The Message aforesaid was sent to the Upper House with the Bill for granting a Supply of Forty-five Thousand Pounds for his Majesty's Service, and for defraying the Expences heretofore incurred for the Defence and Security of the Frontier Inhabitants of this Province, and for other Purposes therein mentioned, and for Raising the same by an equal Assessment on all Estates, Real and Personal, and Lucrative Offices and Employments, by Mr. Edward Tilghman, and Twelve more.

Mr. Hammond, Mr. Earle, and Mr. Wright, have Leave of Absence till Monday: Mr. Ringgold and Mr. Edward Tilghman till Tuesday: Mr. James John Mackall till Wednesday: Mr. Paca till Thursday.

Mr. Waters has Leave of Absence.

The House adjourns till the Morrow Morning 9 of the Clock.

Saturday, April 10, 1762.

April 10

The House met according to Adjournment: The Members were called, and all appeared as Yesterday, except Mr. John Goldsborough, Mr. Edmondson, Mr. Thomas, Mr. Sulivane, Mr. Edward Tilghman, Mr. Wright, Mr. Earle, Mr. Ringgold, Mr. Paca, and Mr. Hammond. The Proceedings were Read.

On Motion, Ordered, That the Accounts of the Sums of Money received and applied by the Agents, in Pursuance of the Act for granting a Supply of Forty Thousand Pounds for his Majesty's Service, and striking £34015:6:0 thereof in Bills of Credit, and Raising a Fund for sinking the same, be delivered to the said Agents, to be laid before the Upper House of Assembly, for their Inspection and Examination.

The Petition of Jonas Green, of the City of Annapolis, Printer, was Read the second Time:

Ordered, That Mr. Dulany, Mr. John Hall, Mr. Johnson, Mr. Grahame, Mr. Gantt, and Mr. Allen, be a Committee to enquire into the Facts set forth in the said Petition.

L. H. J. Liber No. 52 April 10 Mr. John Hall, Mr. Sothoron, Mr. Dent, and Mr. Waring, have Leave of Absence till Tuesday: Mr. Gantt and Mr. Grahame till Monday.

The Petition of Mary Woodward was Read a second Time, and the House concurs therewith, and Leave was given to bring in a Bill accordingly.

The Petition of sundry Inhabitants of St. Paul's Parish in Baltimore County, was Read the second Time:

Ordered, That Mr. Lee, Mr. Deye, Mr. Dorsey, and Mr. Johnson, do bring in a Bill accordingly.

The Petition of Henry Ward was Read the first Time, and Ordered to lie on the Table.

The Petition of Col. Henry Bouquet was Read the second Time, and Granted, and Leave was given to bring in a Bill accordingly.

The Petition of Frederick Victor was Read the second Time, and Granted, and Leave was given to bring in a Bill accordingly.

p. 40 A Bill, entituled, An Act continuing an Act, entituled, An Act for destroying Wolves in Frederick County;

A Bill, entituled, An Act continuing an Act, entituled, An Act for Punishment of Horse-Stealers, and other Offenders;

A Bill, entituled, An Act continuing an Act, entituled, An Act to prevent certain Evils and Inconveniencies attending the Sale of strong Liquors, and running of Horse-Races, near the yearly Meetings of the People called Quakers; and to prevent the tumultuous Concourse of Negroes and other Slaves during the said Meetings; and also one other Act, entituled, An Act to amend and explain an Act, entituled, An Act to prevent certain Evils and Inconveniencies attending the Sale of strong Liquors, and running of Horse-Races, near the yearly Meeting of the People called Quakers; and to prevent the tumultuous Concourse of Negroes and other Slaves during the said Meetings;

A Bill, entituled, An Act continuing an Act, entituled, An Act for the more effectual Punishment of Negroes and other Slaves; and for taking away the Benefit of Clergy from certain Offenders; and a Supplementary Act to an Act, entituled, An Act to prevent the tumultuous Meeting, and other Irregularities, of Negroes and other Slaves, and directing the Manner of trying Slaves;

A Bill, entituled, An Act continuing an Act, entituled, A Supplementary Act to an Act, entituled, An Act laying an Imposition on Negroes, and several Sorts of Liquors, imported; and also on Irish Servants, to prevent the Importing too great a Number of Irish Papists into this Province;

A Bill, entituled, An Act continuing an Act, entituled, An Act to make the Testimony of Convicted Persons legal against Convicted Persons;

L. H. J. Liber No. 52 April 10

A Bill, entituled, An Act continuing an Act, entituled, An Act for the more effectual Punishment of certain Offenders, and for taking from them the Benefit of Clergy;

A Bill, entituled, An Act continuing an Act, entituled, An additional supplementary Act to the Act, entituled, An Act relating to Servants and Slaves;

A Bill, entituled, An Act continuing an Act, entituled, An Act relating to Guardians and Orphans;

A Bill, entituled, An Act continuing an Act, entituled, An additional and explanatory Act to the Act, entituled, An Act impowering the Commissioners of the County Courts to levy and raise Tobacco, to defray the necessary Charges of their Counties and Parishes;

A Bill, entituled, An Act continuing an Act, entituled, An Act to enable the several and respective County Clerks within this Province, to remove some of the County Records from the Public Offices;

A Bill, entituled, An Act continuing an Act, entituled, An Act for Repairing the public Roads in this Province, and the Supplementary Act thereto.

A Bill, entituled, An Act continuing an Act, entituled, An Act for destroying of Crows and Squirrels in particular Counties.

A Bill, entituled, An Act continuing an Act, entituled, An Act for the Relief of such Persons as cannot find Surety for their Appearance, to testify as a Witness against any Person arrested, accused or prosecuted, for any Criminal Matter.

A Bill, entituled, An Act continuing an Act, entituled, An Act for the more effectual destroying Crows and Squirrels in the Counties of Kent, Queen-Anne's and Talbot, and for destroying Red Foxes in the said Counties;

A Bill, entituled, An Act continuing an Act, entituled, An Act to make it Penal to forge or counterfeit the Bills of Credit of Virginia, Pennsylvania, New-York, East and West Jerseys, or the Three Lower Counties on Delaware, called New-Castle, Kent and Sussex, or to utter or tender the same in Payment, within this Province, knowing them to be such.

A Bill, entituled, An Act for Erecting a Public Warehouse at Vienna-Town, in Dorchester County; p. 41

A Bill, entituled, An Act to impower the Justices of Somerset and Worcester Counties to levy on the taxable Inhabitants of Coventry Parish, partly in Somerset and Worcester Counties, the Quantity of 62,400 lbs. of Tobacco, for the Uses therein mentioned;

Were severally Read the second Time, and will Pass; and were sent to the Upper House by Mr. Dulany and Mr. Hanson.

The House adjourns till Monday Morning 9 of the Clock.

L. H. J.
Liber No. 52
April 12

Monday, April 12, 1762.

The House met according to Adjournment: The Members were called, and all appeared as on Saturday, except Mr. Sothoron, Mr. John Hall, Mr. Dent, and Mr. Waring. The Proceedings were Read.

The House adjourns till 2 of the Clock.

Post-Meridiem. The House met according to Adjournment.

Mr. Thomas, Mr. Wright, and Mr. Hammond, appear in the House.

Mr. James Tilghman brings in and delivers to Mr. Speaker, a Bill, entituled, An Act to enable James Hollyday, legal Representatives of James Hollyday, Esquire, deceased, late Treasurer of the Eastern Shore, to draw Bills for the Money therein mentioned, was Read the first and second Time by especial Order, and will Pass; and was sent to the Upper House by Mr. Robert Lloyd and Mr. Wright.

The House adjourns till the Morrow Morning 9 of the Clock.

April 13

Tuesday, April 13, 1762.

The House met according to Adjournment: The Members were called, and all appeared as Yesterday. The Proceedings were Read.

Mr. Edward Tilghman, Mr. Earle, and Mr. John Hall, appear in the House.

A Bill, entituled, An Act continuing an Act, entituled, An Act to exempt Persons, appearing at Musters, from Arrests in Civil Cases, was Read the second Time, and will Pass; and was sent to the Upper House by Mr. Robert Lloyd and Mr. Wright.

Ordered, That Mr. Harris be added to the Committee for Reporting to the House the Facts contained in the Petition of William and Mary Clajon.

Richard Lee, Esq; from the Upper House, delivers to Mr. Speaker, the Bill, entituled, An Act for granting a Supply of Forty-five Thousand Pounds for his Majesty's Service, and for defraying the Expenses heretofore incurred for the Defence and Security of the Frontier Inhabitants of this Province, and for other Purposes therein mentioned, and for Raising the same by an equal Assessment on all Estates, Real and Personal, and Lucrative Offices and Employments; thus Indorsed, By the Upper House of Assembly, 12th April, 1762. Read the first Time and will not Pass.

And the following Message:

By the Upper House of Assembly, 13th April, 1762.

Gentlemen,

Extremely desirous that his Majesty's Requisitions, signified to us [*The message which begins thus, is printed in full in the Upper House journal pp. 25-26*]

Which was Read, and thereupon Ordered, That Mr. Edward Tilghman, Mr. James Tilghman, Mr. Murdock, Mr. Hammond, Mr. Ringgold, and Mr. Robert Lloyd, do prepare and bring in a Message, to be sent to the Upper House, in Answer to their Message of this Day. L. H. J. Liber No. 52 April 13

On Motion, Ordered, That Mr. Edward Tilghman, Mr. James Tilghman, Mr. Murdock, and Mr. Hammond, do prepare and bring in an Address, to be presented to his Excellency, in Answer to his Message of the 20th of March.

The House adjourns till 2 of the Clock. p. 43

Post-Meridiem. The House met according to Adjournment.

Mr. Grahame brings in and delivers to Mr. Speaker, the following Report:

By the Committee appointed by the Honourable the Lower House of Assembly, to enquire into the Facts set forth in the Petition of Jonas Green.

Your Committee, upon Examination of the Facts contained in the said Petition, find, That no Act passed in the Year 1738 or 1739, for the Levying or Payment of any Salary to the said Jonas Green; but that in the Year 1742 he was allowed £120 in the Journal of Accounts, the Payment of which was in 1743; and in the Year 1748, an Act passed, impowering and requiring Mrs. Hollyday, Executrix of James Hollyday, Esquire, to pay £180 to the said Jonas Green, for his Salaries in 1738 and 1739. That an Act passed in the Year 1740, to continue till the 1st of December, 1742, for the yearly Allowance of £15 in each County to the said Jonas Green, but no Session happening after the Expiration of that Act, till May 1744, the said Jonas Green had no Allowance for the Year 1743, till an Allowance was made to him on the Journal of Accounts of £144 in the Year 1744, which was not paid till 1747: That in the Year 1744, an Act passed, to continue till the 25th of December, 1745, which, in August 1745, was continued till the 25th of December, 1746, giving the said Jones Green the £15 yearly Allowance, in each County, as Printer; and in June 1746, an Act passed, impowering the Justices of Talbot and St. Mary's County to levy £15 in each County in November 1746, for the said Jonas Green's Use, omitted to be levied in Talbot in 1742, and in St. Mary's in 1744: That in May 1747, the said Act of 1744 was revived and continued till the 25th of December 1748, and an additional Allowance of £5 in each County given to the said Jones Green for printing the Votes; but if no Session or Convention, the additional Allowance to cease: That in May 1749, an Act passed to continue till the 25th December, 1750, £20 yearly Allowance to the said Jonas Green, in each County, for his printing the Laws and Votes; but if no Session, £5 Part of the Allowance in each County, to cease: By this Act £40 was to be

L. H. J. Liber No. 52 April 13 levied in Kent County for Omissions in 1747 and 1748, and £5 in Dorchester County, for an Omission in 1747: In May 1750, the last mentioned Act was continued till the 1st of December, 1752, and in June 1752, to the 1st of December, 1753.

That in October 1753, a new Act passed, to continue till the 20th of December, 1755, giving the like Allowance to the said Jonas Green, subject to the like Abatement when no Session, as the Act of 1749, and laying a further Duty on him to Print the Inspection Law, passed that Session, for the Vestries and Inspectors, without giving any further Reward for that new Duty: That in February 1756, an Act passed to continue till the 20th of December, 1757, apportioning the said Jonas Green's Allowance by the Number of Taxables in the respective Counties, which was continued in September 1757, to the 20th of December, 1758, and which expired on that Day, tho' the Session, begun in November 1758, ended but a few Days before the Expiration of that Law: That in March 1760, an Act passed, to continue to the 2d Day of April, 1761, giving the like Allowance, and under the like Conditions, as the last mentioned Act, and also impowering the Justices of the respective Counties to levy in the Whole, £210 for his Salary in 1759, there not having been any Session in that Year.

p. 44 That the said last mentioned Act expired the 2d of April, 1761; since which there has not been any Session, and there hath been no Salary or Allowance to the said Jonas Green for the Year 1761. That the said Jonas Green hath at several Times Printed long Bills, Records and Papers, inserted in the Journals and Proceedings of the Lower House of Assembly, too numerous to particularize, for which he has not received, as your Committee can find, any Reward, more than his yearly Allowance, tho' the Votes and Proceedings have been swelled to a great Size, by the Insertion of such Bills and other Matters.

That since the Duties of Printing the Laws, and Votes and Proceedings, have been Blended, including May Session, 1747, and excluding the present Session, there have been Twenty-two Sessions, and Six Conventions of the Assembly, so that there have been Thirteen Meetings of the Assembly in and since 1747, more than at the Rate of one for each Year.

All which is humbly submitted to the Consideration of the Honourable House.

Signed ℘ Order, John Rogers, Clerk.

Which was Read, and Ordered to lie on the Table.

The House adjourns till the Morrow Morning 9 of the Clock.

Wednesday, April 14, 1762.

L. H. J.
Liber No. 52
April 14

The House met according to Adjournment: The Members were called, and all appeared as Yesterday. The Proceedings were Read.

Mr. Ringgold appears in the House.

On Motion for a Question, That Leave be given to bring in a Bill for Levying, Paying and Cloathing Three Hundred Men, Officers included, for his Majesty's Service, agreeable to his Majesty's Requisition, signified by the Secretary of State's Letter, and also to Levy Eighty-four Men for Recruiting his Majesty's Regiments on this Continent, agreeable to the Requisition of Sir Jeffery Amherst, his Majesty's General, and for defraying the Expences thereof, by applying thereto the several Sums of Money following, to wit,

The Sum of Two Thousand One Hundred and Twenty-one Pounds, Part of the Sum which was appropriated for Scalps and Prisoners by the Act in 1756, for granting Forty Thousand Pounds for his Majesty's Service, which remains now in the Loan Office,	£2121 0 0
The Sum of £142 Sterling, and £100 Currency, now remaining in the Hands of the Agents appointed by that Act, in Current Money,................	345 0 0
The Sum of £1999 paid into the Loan Office, by Virtue of the Act for his Majesty's Service, made in 1754, to replace the like Sum then taken out of the Treasurer's Hands, ...	1999 0 0
And the Sum of £6055.5.3. to be taken out of the Money in the Loan Office,.....................	6055 5 3
	£10520 5 3

The £1999 to be replaced in the Treasurer's Hands by a Continuation of the Ordinary Licences, after the Purposes of the Act for granting Forty Thousand Pounds for his Majesty's Service, are complied with.

The Question was put, That that Question be now put. Resolved in the Negative.

For the Negative,

Hynson,
Ringgold,
Richard Lloyd,
Worthington,
H. Hall,
Hammond,
Gantt,
Stoddert,
Smallwood,
Hanson,
J. Tilghman,
Deye,
Dorsey,
Ward,
Earle,
Baker,
Beall,
Jacobs,
Murdock,
Robert Lloyd,
E. Tilghman,
Wright,
Chapline,
Magruder,
Beatty.

[25]

L. H. J.
Liber No. 52
April 14

For the Affirmative,

J. Hall,
Plater,
Johnson,
Grahame,
Hayward,
W. Adams,
J. Adams,
Thomas,
C. Goldsborough,
Gray,
Lee,
Dulany,
Steuart,
Hollyday,
Harris,
Selby,
Allen,
Chaille,
Cresap.

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p. 45 On Motion, Leave was given, to bring in a Bill for repairing and maintaining the Public Roads in Baltimore County, at the Expence of that County;

And Ordered, That Mr. Lee, Mr. Johnson, and Mr. Dorsey, do prepare and bring in the same.

M.^{r} Smallwood brings in and delivers to M.^{r} Speaker the following Report —

By the Committee appointed by the honourable the House of Delegates to inspect into the State and Condition of the Arms and Ammunition, and Amounts relating thereto. April 13,th 1762.

Your Committee having inspected the Arms and Ammunitions in the City of Annapolis do find that there is in the possession of the Armourer the following Arms and Ammunition vizt.

In the Council Chamber

200 Muskets in good Order, 30 Trumpets, 70 Broad Swords, 2 Drums, 42 Halberts and Pikes, 50 Sword Blades and 16 Daggers, 59 Buff Belts.

Over above the Conference Chamber

85 black hilted swords, 38 bright ditto. 35 Pistols one new Drum and one old ditto. 87 Buff Belts. 200 new Bayonets with Cartouch Boxes and Bullet Moulds, 29 old Bayonets, 86 Firslocks, short Muskets and Carbines. 18 Cartouch Boxes, 10 old Slings, 8 hair Pouches and Powder Horns. 104 old Muskets most of which without Locks and not worth repairing, 9 Pistols the Locks broke and out of Order. 10 old Muskets, and 15 old Carbines. 4 pair of Holsters. 6 Broken Drums, 3 Chests of Matches, 30 blue Cases for Musketts, 10 listed ditto for Carbines.

Above the Council Chamber

20 Muskets without locks. 13 Carbines without ditto. 5 new Espontoons. 1 new Halbert broke. 15 pr. Drum Sticks. 11 new Carbine Slings. 7 new Cartouch Boxes. 9 old Belts for Muskets. 23 old Cartouch Boxes

In the Cellar under the Conference Chamber

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45 Keggs of Musket Ball each ½ C.^{t}w.^{t} 4 Casks Bar Lead. 997 lb. mixed Ball. 3000 Gun Flints

In the Powder House

21 Barrels of fine glazed Powder. 9 ditto Cannon Powder. 80 Keggs Musket Ball. 2 casks Musket and Carbine Ball. 84 buff broad Sword Belts. 1000 Gun Flints

On the Half Moon Battery

15 pieces of Cannon fixed on Wood wanting Aprons and Tomkins, as also to be paid well and painted, which unless speedily done, your Committee apprehends they will be rendered unfit for Service and even dangerous to fire, and your Committee beg Leave to inform your honourable House that the several pieces of old Cannon, mentioned in former Reports to have been on th Point are none of them remaing there now.

Your Committee find that since the last Report of the State of the Arms and Ammunition, there have been received by the Armourer into the Magazine from Mr. James Dick 21 chests of Arms containing 500 Muskets, Bayonets, Slings, Cartouch Boxes and Bullett Moulds, and that there have been returned from Coll. Dagworthy's Company. 86 Firelocks, short Muskets and Carbines, 18 Cartouch Boxes, 10 old Slings, 8 hair Pouches and Powder Horns. And your committee also find that out of the Arms and Ammunitions mentioned in said last Report to be in the Magazine the arms since returned and those since imported and delivered to the Armourer. He has delivered out by the Governor's Order, the several Arms and Quantities of Ammunition mentioned in the following Copy of his Account for which he produced Vouchers to your Committee, Vizt.

By order of his Excellency Horatio Sharpe Esqr. Lieutenant General, and Governor and Commander in Chief in and over the Province of Maryland and Avalon, delivered out of the Magazine and Stores of the City of Annapolis.

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May 31	2 Barrels of Gun Powder. 10 keggs of Leaden Ball. 500 W^t Bar Lead 1 Box Gun Flints. 1 Chest of Arms containing 33 Cases of Pistols and 25 Carbine Buckets. 21 Chests last imported containing 500 Muskets, Bayonets, Slings, Cartouch Boxes and Bullet Moulds ꝑ receipt........................	To Frederick
June 3d	4 Chests of Arms out of the Counting House, containing 100 Muskets, Bayonets, Slings, Cartouch Boxes and Bullet Moulds ꝑ Receipt...	To Frederick

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8th 50 black hilted broad Swords, 50 Buff Belts. 40 ꝑ holsters 32 Shoulder Belts with Steal Springs ꝑ receipt........................... To Frederick

15th 8 Chests out of the Council Chamber containing 280 Muskets, Bayonets, Slings, Cartouch Boxes and Bullet Moulds ꝑ receipt........... To Frederick

Oct. 3d. 41 Barrells of Powder, 5 Keggs Musket Ball 500 W^t Bar Lead per receipt............ To Frederick

18th 1 Drum for he use of Capt. Butler's Company ꝑ Receipt

Dec. 1st ½ Barrel Gun Powder delivered Mr. Dick in Lieu of ½ a Barrell lent by him to the Province as ꝑ Receipt

29th 1 Drum to Capt. Alexander Bealls Company ꝑ receipt

All which is humbly submitted to the Consideration of the hōnble House

Signde ꝑ Order. J. Rogers Clk.

His Excellency communicated to Mr. Speaker, the following Messages:

Gentlemen of the Lower House of Assembly,

As I want to be at Newcastle the 22d of this Month, to attend a Meeting of the Commissioners that are appointed to carry into Execution the Articles of Agreement, which the Lord Proprietary of this Province, and the Proprietors of Pennsylvania, have entered into, for running divisional Lines between their respective Territories, I must press you to dispatch all the Business before You, as well as that in particular which I recommended to you at the Opening of this Session, so that a Conclusion may be put to it the End of this, or the Beginning of the next, Week. Hor.° Sharpe.

11th April, 1762.

Gentlemen of the Lower House of Assembly,

The Commissary-General having informed me, that the external Part of the South Porch of the Court-House, where the Records and Papers of his Office are kept, is in so runinous a Condition, that without speedy Repairs, that Office, and the Records and Papers there, will be entirely open to Embezzlement of any Person, and to the Weather; I think it my Duty to recommend it to both Houses to appoint a Committee to inspect all the Public Buildings, and to appropriate such a Sum, as may be necessary to make such Repairs in all the Buildings, as may be thought expedient. Hor.° Sharpe.

14th April, 1762.

[Which were Read, and Ordered to lie on the Table.]

The House adjourns till 2 of the Clock.

Post-Meridiem. The House met according to Adjournment.

Mr. Harris brings in and delivers to Mr. Speaker, the following Report: L. H. J. Liber No. 52 April 14

By the Committee appointed to examine into the Facts set forth in the Petition of Mary Clajon, Administratrix or Executrix of Gamaliel Butler, late of the City of Annapolis, deceased.

Your Committee having carefully examined into the Allegations contained, do find, by an Account passed by the Commissary-General, and lodged in the Prerogative Office, that the said Petitioner hath fully administered her deceased Husband's Estate, and overpaid the same Ninety-four Pounds Three Shillings and one Penny Half-penny, and that there still remains several large Sums of Money due from the said Deceased on Bonds and otherwise; which is humbly submitted to the Consideration of the Honourable House.

Signed per Order, William Wilkins, Clerk.

On Motion, Leave was given, to bring in a Bill for lessening the Allowance of the Members of the Upper and Lower Houses of Assembly. p. 47

Ordered, That Mr. Allen, Mr. John Hall, Mr. Johnson, Mr. Smallwood, and Mr. Gantt, do prepare and bring in the same.

Richard Lee, Esq; from the Upper House, delivers to Mr. Speaker, the following Bills:

A Bill, entituled, An Act for Erecting a Public Warehouse at Vienna-Town, in Dorchester County;

A Bill, entituled, An Act continuing an Act, entituled, An Act for the Relief of such Persons as cannot find Surety for their Appearance, to testify as a Witness against any Person arrested, accused or prosecuted, for any Criminal Matter.

A Bill, entituled, An Act continuing an Act, entituled, An Act for the more effectual destroying Crows and Squirrels in the Counties of Kent, Queen-Anne's and Talbot, and for destroying Red Foxes in the said Counties;

A Bill, entituled, An Act to impower the Justices of Somerset and Worcester Counties to levy on the taxable Inhabitants of Coventry Parish, partly in Somerset and Worcester Counties, the Quantity of 62,400 lbs. of Tobacco, for the Uses therein mentioned;

A Bill, entituled, An Act continuing an Act, entituled, An Act for destroying of Crows and Squirrels in particular Counties;

A Bill, entituled, An Act continuing an Act, entituled, An Act, for Repairing the public Roads in this Province, and the Supplementary Act thereto.

Severally thus Indorsed, By the Upper House of Assembly, 14th April, 1762. Read the first and second Time by especial Order, and will Pass.

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Which said Bills were here Read, and Passed for Ingrossing.

Mr. Simon Wilmer, a Delegate returned for Kent County, appeared in the House.

Ordered, That Col. Richard Lloyd and Major Hynson do go with Mr. Wilmer to the Upper House, to see him Qualified.

They return and acquaint Mr. Speaker, That they saw him Qualified in the usual Manner.

The Gentleman took his Seat in the House.

Samuel Chamberlaine, Esq; from the Upper House, delivers to Mr. Speaker, a Bill, entituled, An Act continuing an Act, entituled, An Act to make it Penal to forge or counterfeit the Bills of Credit of Virginia, Pennsylvania, New-York, East or West Jerseys, or the Three Lower Counties on Delaware, called New-Castle, Kent and Sussex, or to utter or tender the same in Payment, within this Province, knowing them to be such; thus Indorsed, By the Upper House of Assembly, 14th April, 1762. Read the first Time, and will not Pass.

Mr. Dorsey brings in and delivers to Mr. Speaker, a Bill, entituled, An Act impowering the Justices of Baltimore County to assess and levy a Sum of Current Money, and for other Purposes therein mentioned.

John Ridout, Esq; from the Upper House, delivers to Mr. Speaker, a Bill, entituled, An Act to enable James Hollyday, legal Representative of James Hollyday, Esquire, deceased, late Treasurer of the Eastern Shore, to draw Bills for the Money therein mentioned; thus Indorsed, By the Upper House of Assembly, 14th April, 1762. Read the first and sceond Time, and will Pass.

Which said Bill was here Read, and Passed for Ingrossing.

Dr. Steuart brings in and delivers to Mr. Speaker, a Bill, entituled, An Act for the Naturalization of Colonel Henry Bouquet and Frederick Victor.

The House adjourns till the Morrow Morning 9 of the Clock.

April 15

Thursday, April 15, 1762.

The House met according to Adjournment: The Members were called, and all appeared as Yesterday. The Proceedings were Read.

Mr. James John Mackall appears in the House.

p. 48 Mr. Henry Hall brings in and delivers to Mr. Speaker, a Bill, entituled, An Act to augment the Salaries of the Inspectors at Elk-Ridge Landing Warehouse, in Anne-Arundel County, and for other Purposes therein mentioned.

John Ridout, Esq; from the Upper House, delivers to Mr. Speaker, the following Petitions: The Petition of John Howard and Edward

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Liber No. 52
April 15

Day, Inspectors at Joppa and Fork Warehouses: The Petition of the Inspectors at Emerson's Warehouse: The Petition of the Vestrymen and Others of Port-Tobacco Parish, Charles County; severally thus Indorsed, By the Upper House of Assembly, 14th April, 1762. Read and Referred to the Consideration of the Lower House of Assembly.

The House adjourns till 2 of the Clock.

Post-Meridiem. The House met according to Adjournment.

Mr. Edmondson and Mr. John Goldsborough appear in the House.

Mr. Robert Lloyd brings in and delivers to Mr. Speaker, the following Message:

By the Lower House of Assembly 16th April 1762

May it please your Honours,

Your Message of the 13th Instant, is Matter of real Concern to us, as it deprives us of all Hopes, for the present, of coming to an Agreement with your Honours, about the Manner of raising Supplies for his Majesty's Service, and for defraying the Charges heretofore incurred in the Defence and Protection of the Frontier Inhabitants of this Province, and other necessary Purposes, which we were willing to flatter ourselves, our Message, accompanying the Bill for those Purposes, sent up to your Honours, would have produced. Whatever we might fear, we were far from being satisfied, your Honours would not pass that Bill, or that you would, at this Time, obstinately adhere to Objections made by the Upper House against a Bill in 1758, and give the little Regard shewn (as you are pleased to express it) by this House, to those Objections, as a Reason for your being confirmed in an Opinion, that there was no Probability of the two Houses now coming to any Agreement upon the present Bill, and for your sending it down with a flat Negative, when you might have observed, that in the forming it, the Foundations for many of those Objections were removed.

It is a Maxim in Politics, almost universally adopted, that the Representative is justified by the Instructions of his Constituent, in acting even against his own Judgment, and we were willing to entertain Hopes, that your Honours might be at present more at large than heretofore, with respect to the Tax on the Proprietary Estate, and the great Offices of the Government, which we take to have been your real Objections to the Bill in 1758, to cover which, most of the others were only thrown in as a Barrier. And we cannot but express our Sorrow, that an occasional Waiver of our Rights in respect to the Mode of Proceeding on Money Bills, intended more speedily to bring about a Termination of the Differences that have unhappily subsisted between your Honours and the late Lower Houses on that Matter, instead of having the good Effect desired by us, should serve only to put your Honours upon assuming a

L. H. J. Liber No. 52 April 15 Right, not only of proposing, but also of preparing and sending down Money Bills, for the Concurrence of this House (tho' you are pleased to say, Bills of that Sort were commonly drawn by a Committee of both Houses) a Right, which the House of Lords in our Mother Country, independent as they are, have rarely, if ever, asserted to be in them, or attempted to exercise, or if they have, the Assertions have ever been positively denied, and the Attempt to exercise the Right, carefully frustrated by the House of Commons, being looked upon by them, as an Invasion of the Rights and Privileges inherent in them only: The like Rights and Privileges, we do insist, are constitutionally inherent in us, as the Representatives in Assembly of free British Subjects, and we hope we shall be allowed to exercise them without Controul, unless it can be shewn p. 49 (which we cannot conceive) that our dependent State, upon our Mother Country (of which we are duly sensible, and in whose wise Determination we shall always chearfully acquiesce) necessarily deprives us of any Part of them. As we have not at present Time to look fully into the Matter, we will for Argument's Sake, suppose some of the old Journals may shew, some few instances of what you assert in Relation to the Modes of Proceeding, for bringing about the Passage of Bills for raising Money for the Uses you mention; but we cannot by any Means allow, that a few Instances in the Times of the Infancy of the Province, should operate against a Right so essential to the Preservation of the Liberties and Properties of our Constituents. Those you mention, are not the only sad Instances of the Inattention of our Predecessors, in affording, and the Vigilance and Activity of the Government in laying hold of, Opportunities to encrocah upon their Rights and Liberties. The Multiplicity of them afford a melancholy Retrospect, and call loudly upon us, to be as circumspect as possible, in order to guard against the like for the future. To an Inadvertency of the like Sort, little short of Infatuation, do your Honours owe your Existence as an Upper House; an Inadvertency which has brought upon us, all the Evils naturally flowing from the Introduction of a dependent Branch of Legislature into our Constitution; Evils, which the People of this Province most sensibly Feel, and which we fear their latest Posterity will have Cause to Lament.

It would seem, from the Terms of your Message, that your Honours represent the whole Sum of Money to be raised by our Bill, as applied to the Purpose only, of Levying, Paying, and Cloathing, Four Hundred Men, over and above the Eighty-four Recruits, required as our Quota, for compleating the regular Regiments on the Continent: How disingenuous is this Insinuation? Your Honours must have observed, that not much more than one Third of the Sum proposed to be raised by the Bill, is to be applied to those Purposes; and that the Rest is appropriated to the Discharge of large Sums of Money, advanced by the Crown, for the Payment of which, the Credit of the Province stood engaged by the Resolves of the late Lower Houses, and of this House, and to defraying other Expences, necessarily incurred for his Majesty's Service, and the Defence and Protection of our Frontier Inhabitants. From this Insinuation, we cannot help inferring, that you would be willing to bring the public Faith of the Province into Disgrace, and to suffer very many necessary Expences to remain undefrayed, whatever may be the fatal Consequences to the Public, or to Individuals, and more especially those, who have suffered so greatly by Quartering his Majesty's Regular Troops, or by actual Service on, and large Expences towards, the Security of our Western Frontiers. Your Honours are pleased to observe, that if all the real and personal Property in the Province were to be taxed, agreeable to our Plan, could it be carried into Execution, a Sum twice as great as what we have mentioned, would be raised even in one Year. We are at a Loss how to understand, from your Expression, whether you mean the whole Sum proposed to be raised by the Bill, or the particular Sum appropriated in the Bill, for the Levying, Paying, and Cloathing, the Number of Men to be raised: If you mean even the latter, we cannot avoid observing, how extremely your Sentiments are changed since April 1758, when you could not discover by what Rule or Principle, the Lower House could infer a Capital, which would raise Forty-five Thousand Pounds in Three Years, by a Pound-Rate equal to that which you now are of Opinion, would raise Thirty Thousand Pounds in less than One Year, and that not upon the whole Property, as was nearly the Case in the Bill of 1758: Your Honours at that Time thought, that diminishing the Ability of the Province, was a proper Method to encounter the Bill, then before you; but now, when you imagine the same good Cause may be served by a contrary Supposition, you don't stick at making it, however glaringly it may infer the Mutability of your Sentiments.

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You are pleased to Question if our Bill can be carried into Execution, and to assert, that if it could, Discord and Confusion among the Inhabitants, would be the Consequence: We can only say, that Plans of this Kind have not only been thought practicable, but found, by long Experience, to be eligible in our Mother Country, and most of the neighbouring Colonies, and we could wish your Honours would only give the People of this Province an Opportunity of making an Experiment of it. If it were really such, as you would represent it, our Constituents would soon disapprove it, and your Honours would no more be troubled about it; at present we judge it most agreeable to their common Interest, and we know it to be most suitable to their Inclinations; and therefore we think it more probable, that Discord and Confusion among the Inhabitants would ensue from your Refusal to assent to a Mode of Taxation so equitable and so much

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L. H. J. Liber No. 52 April 15 desired, than from the carrying into Execution the System we have adopted. To conclude your Message, your Honours recommend a Mode of Taxation for raising a Sum of Money, adequate to the Purposes of Levying, Cloathing and Paying, the Four Hundred Men proposed to be raised (by which you also impliedly recommend to desert the Public Faith of the Province, at least for the present) some such simple Mode of Taxation as hath been heretofore pursued in this Province: We doubt not but any such simple Mode of Taxation as would leave the Proprietary Estate, and the great Offices, either totally untouched, or very complaisantly handled, would be very agreeable to your Honours. Upon the Whole, as we have sent your Honours a Bill for his Majesty's Service, the most suitable, in our Opinion, to the Circumstances of our Constituents, attended with a Request to point out your Objections to it, and as you have Rejected it without making any in particular, which is little more than affirming it to be a bad Bill because it is so, we cannot but consider ourselves as having discharged our Duty to our Sovereign and our Constituents; and if his Majesty's Requisitions, which have occasioned our Meeting, are not complied with, let those answer for it, who will not consent to raising the necessary Supplies, when the most suitable Means for doing it, are offered them.

Signed ꝑ Order, J. A. Thomas, Cl. Lo. Ho.

Which was Read the first Time, and Ordered to lie on the Table.
The House adjourns till the Morrow Morning 9 of the Clock.

April 16

Friday, April 16, 1762.

The House met according to Adjournment: The Members were called, and all appeared as Yesterday. The Proceedings were Read.

Mr. Waring appears in the House.

The Report from the Committee appointed to examine into the Facts set forth in the Petition of William and Mary Clajon, was Read the second Time, and the House concurs therewith; and Leave was given to bring in a Bill accordingly.

Mr. Ringgold brings in and delivers to Mr. Speaker, a Bill, entituled, An Act to establish a Market, at the Market-House in Chester-Town, Kent County, and for the Regulation of the said Market;

A Bill, entituled, An Act to augment the Salaries of the Inspectors at Elk-Ridge Landing Warehouse, in Anne-Arundel County, and for other purposes therein mentioned were severally read the first time and ordered to lie on the table.

p. 51 The Message to the Upper House was Read the second Time; and the Question was put, That this House do Concur therewith. Resolved in the Affirmative.

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April 16

For the Affirmative,

Hynson,
Ringgold,
Richard Lloyd,
Worthington,
H. Hall,
Hammond,
J. J. Mackall,
Stoddert,
Smallwood,
Hanson,
J. Tilghman,
Thomas,
Deye,
Dorsey,
Ward,
Earle,
Baker,
Beall,
Waring,
Jacobs,
Murdock,
Robert Lloyd,
E. Tilghman,
Wright,
Chapline,
Magruder,
Beatty,
Cresap.
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For the Negative,

J. Hall,
Plater,
Wilmer,
Johnson,
Gantt,
Grahame,
Hayward,
W. Adams,
J. Adams,
Edmondson,
J. Goldsborough,
C. Goldsborough,
Gray,
Lee,
Dulany,
Steuart,
Hollyday,
Harris,
Selby,
Allen,
Chaille.
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The Message aforesaid was sent to the Upper House by Mr. Edward Tilghman and Mr. J. J. Mackall.

Benedict Calvert, Esq; from the Upper House, delivers to Mr. Speaker the following Message:

By the Upper House of Assembly, 15th April, 1762.

Gentlemen,

His Excellency having recommended it to us, to appoint some Gentlemen to join such Members as may be named by you, to inspect the Public Buildings, in Order that such Repairs may be made as shall be thought necessary, we have thereupon nominated Richard Lee, Esq; to join such Members as you shall appoint for that Purpose.

Signed per Order, J. Ross, Cl. Up. Ho.

The Petition of Zaccheus Barrett was Read, and Granted, and Leave was given to bring in a Bill accordingly.

Mr. Dorsey has Leave of Absence.

The House adjourns till 2 of the Clock.

Post-Meridiem. The House met according to Adjournment.

The Petition of the Inspectors at Emerson's Warehouse, in Talbot County: The Petition of sundry Inhabitants of Talbot and Dorchester Counties: The Petition of the Vestrymen, and sundry others of Port-Tobacco Parish, in Charles County: Were severally Read the first Time, and Ordered to lie on the Table.

L. H. J. Liber No. 52 April 16 On Motion, Leave was given, to bring in a Bill for destroying Crows and Squirrels in Baltimore County:

Ordered, That Mr. Deye, Mr. Lee, Mr. Johnson, and Mr. Hayward, do prepare and bring in the same.

On Motion, Ordered, That an Address of Condolance and Congratulation be prepared to be presented to the King's Most Excellent Majesty:

Ordered, That Mr. J. Tilghman, Mr. Ringgold, Mr. E. Tilghman, Mr. Murdock, Mr. Hammond, Mr. Hayward, Mr. Hollyday, Mr. Johnson, and Mr. J. Hall, do prepare and bring in the same.

On Motion, Ordered, That an Address be prepared to be presented to his Excellency:

Ordered, That Mr. James Tilghman, and Mr. Ringgold, do prepare and bring in the same.

Mr. James Tilghman brings in and delivers to Mr. Speaker, an Address to his Excellency; which was Read, Approved, and Ordered to be Ingrossed.

The Petition of the Rector, Vestrymen and Church-wardens of St. James's Parish, in Anne-Arundel County, was Read the Second Time:

Ordered, That Mr. Hammond, Mr. H. Hall, Mr. Johnson, and Mr. Worthington, do prepare and bring in a Bill accordingly.

Mr. Ringgold brings in and delivers to Mr. Speaker, the following Ingrossed Address:

To his Excellency Horatio Sharpe, Esq; Governor and Commander
in Chief in and over the Province of Maryland.

The humble Address of the House of Delegates.

May it please your Excellency,

We find ourselves under a Necessity of representing to your Excellency, that so much of our Time this Session has been spent on a Supply Bill for his Majesty's Service, that there still remains before us such a Multiplicity of Business, and that of considerable Importance to the Country, as we cannot possibly dispatch it by the Time, you are pleased to mention in your Message of the 14th p. 52 Instant, you proposed to put a Conclusion to this Session: And in particular, that we think it our indispensible Duty to prepare an Address of Condolance on the Death of his late most Glorious Majesty, and of Congratulation on the happy Accession of our present most Gracious Sovereign to the Throne, and on the joyful Event of his Nuptials. For these Reasons, we cannot but request that your Excellency will not put so speedy a Conclusion to this Session, as you intended, but allow us Time sufficient to complete the Business now before us; and as this Request is a Matter, wherein not only our own Convenience, but the Interest of the Country, is greatly concerned, we cannot doubt but that your Excellency will comply with it.

Which was Read and Assented to, and Signed, by Order of the House, by the Honourable Speaker.

Ordered, That Dr. Steuart and Mr. Grahame do acquaint his Excellency, That this House hath prepared an Address, to be presented to him, and desires to know when and where he will be pleased to receive it. They return and acquaint Mr. Speaker, That the Governor signified he would receive the Address immediately in the Council Chamber.

Ordered, That Mr. James Tilghman, with Five more, do present the Address to his Excellency.

The Bill for the Advancement of Justice, was Read the second Time, and committed for Amendment.

The Petition of John Paca, Robert Adair, and Margaret Paca, was Read the second Time:

Ordered, That Mr. Lee, Mr. Plater, and Mr. Allen, be a Committee to enquire into the Facts contained in the said Petition, and report the same to the House.

A Bill, entituled, An Act to change the Name of Zaccheus Barrett to that of Onion;

A Bill, entituled, An Act impowering the Justices of Baltimore County Court, to assess and levy a Sum of Money, and for other Purposes therein mentioned;

A Bill, entituled, An Act to impower William Clajon, and Mary his Wife, Administratrix of Gamaliel Butler, to sell a Lot of Ground, and Three Dwelling-Houses, situate in the City of Annapolis, for the Payment of the Debts of the said Gamaliel Butler;

A Bill, entituled, An Act to establish a Market, at the Market-House in Chester-Town, Kent County, and for the Regulation of the said Market;

A Bill, entituled, An Act to impower Mary Stansbury, Widow and Administratrix of Tobias Stansbury, late of Baltimore County, to sell the Lands therein mentioned, for the Payment of the Debts of the said Tobias Stansbury;

Were severally Read the first Time, and Ordered to lie on the Table.

An Act for the Naturalization of Colonel Henry Bouquet and Frederick Victor, was Read the second Time, and will Pass.

Mr. Edmondson has Leave of Absence.

Samuel Chamberlaine, Esq; from the Upper House, delivers to Mr. Speaker, the following Ingrossed Bills:

An Ingrossed Bill, entituled, An Act continuing an Act, entituled, An Act to prevent certain Evils and Inconveniencies attending the

L. H. J. Liber No. 52 April 16 Sale of strong Liquors, and running of Horse-Races, near the yearly Meetings of the People called Quakers; and to prevent the tumultuous Concourse of Negroes and other Slaves during the said Meetings; and also one other Act, entituled, An Act to amend and explain an Act, entituled, An Act to prevent certain Evils and Inconveniencies attending the Sale of strong Liquors, and running of Horse-Races, near the yearly Meetings of the People called Quakers; and to prevent the tumultuous Concourse of Negroes and other Slaves during the said Meetings;

An ingrossed Bill entitled an Act continuing an Act entitled an Act to enable the several and respective County Clerks within this Province to remove some of the County Records and Papers from the public Office.

p. 53 An ingrossed Bill entitled an Act continuing an Act entitled an Act to make the testimony of Convicted persons legal against convicted Persons.

An Ingrossed Bill, entituled, An Act continuing an Act, entituled, An Act for destroying Wolves in Frederick County;

An Ingrossed Bill, entituled, An Act continuing an Act, entituled, An additional supplementary Act to the Act, entituled, An Act relating to Servants and Slaves;

An Ingrossed Bill, entituled, An Act continuing an Act, entituled, A Supplementary Act to an Act, entituled, An Act laying an Imposition on Negroes, and several Sorts of Liquors, imported; and also on Irish Servants, to prevent the Importing too great a Number of Irish Papists into this Province;

An Ingrossed Bill, entituled, An Act continuing an Act, entituled, An Act for the more effectual Punishment of Horse-Stealers, and other Offenders;

An Ingrossed Bill, entituled, An Act continuing an Act, entituled, An Act relating to Guardians and Orphans;

An Ingrossed Bill, entituled, An Act continuing an Act, entituled, An additional and explanatory Act to the Act, entituled, An Act impowering the Commissioners of the County Courts to levy and raise Tobacco, to defray the necessary Charges of their Counties and Parishes;

An Ingrossed Bill, entituled, An Act continuing an Act, entituled, An Act for the more effectual Punishment of certain Offenders, and for taking from them the Benefit of Clergy;

An Ingrossed Bill, entituled, An Act continuing an Act, entituled, An Act to exempt Persons, appearing at Musters, from Arrests in Civil Cases.

The House adjourns till the Morrow Morning 9 of the Clock.

Saturday, April 17, 1762.

L. H. J.
Liber No. 52
April 17

The House met according to Adjournment: The Members were called, and all appeared as Yesterday, except Mr. Dorsey. The Proceedings were Read.

On Motion, Leave was given, to bring in a Bill for the more easy Foreclosure of Mortgages.

On Motion, Leave was given, to bring in a Bill for the better securing the 15d. per Hogshead, and accordingly Mr. Edward Tilghman brings in the same.

Mr. Edward Tilghman brings in and delivers to Mr. Speaker, a Bill, entituled, An Act for raising Two Pence Sterling for every Hogshead of Tobacco exported out of this Province, for the Support of an Agent in London, for the Service of this Province.

Mr. Ringgold brings in and delivers to Mr. Speaker, the following Bills:

A Bill, entituled, An Act for issuing Writs of Replevin out of the County Courts;

A Bill, entituled, An Act for the more easy Foreclosure of Mortgages;

A Bill, entituled, An Act for the Trial of all Matters of Fact in the several Counties, where they have arisen or shall arise;

A Bill, entituled, An additional supplementary Act to the Act, entituled, An Act for Quieting Possessions, Enrolling Conveyances, and Securing the Estates of Purchasers.

Mr. Lee brings in and delivers to Mr. Speaker, a Bill, entituled, An Act for the opening and better amending and keeping in repair, the Public Roads and Highways in Baltimore County.

The Address to his Excellency was Read the second Time; and the Question was put, That this House do Approve thereof. Resolved in the Affirmative. p. 54

For the Affirmative,

Hynson,
Ringgold,
Worthington,
H. Hall,
Hammond,
Gantt,
J. J. Mackall,
Stoddert,
Smallwood,
Hanson,
J. Tilghman,
Thomas,
Deye,
Ward,
Earle,
Baker,
Beall,
Waring,
Jacobs,
Murdock,
Robert Lloyd,
E. Tilghman,
Chapline,
Magruder,
Beatty,
Cresap.

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For the Negative,

J. Hall,
Plater,
Richard Lloyd,
Wilmer,
Johnson,
Grahame,
Hayward,
W. Adams,
J. Adams,
Edmondson,
J. Goldsborough,
C. Goldsborough,
Gray,
Lee,
Dulany,
Steuart,
Wright,
Hollyday,
Harris,
Selby,
Allen,
Chaille.
[22]

Agreeable to the above Resolve, the said Address was Ordered to be Ingrossed.

The House appointed Mr. Dulany, Mr. Worthington, and Dr. Steuart, to join in a Committee from the Upper House to inspect the Public Buildings, and Report the same to the House.

The Bill, entituled, An Act for raising Two Pence Sterling per Hogshead on all Tobacco exported out of this Province, for the Support of an Agent at London, for the Service of this Province, was Read the first and second Time by an especial Order; and thereupon the Question was put, That the same do Pass. Resolved in the Affirmative.

For the Affirmative,

J. Hall,
Plater,
Hynson,
Ringgold,
Richard Lloyd,
Wilmer,
Worthington,
Johnson,
Gantt,
Grahame,
J. J. Mackall,
Stoddert,
Smallwood,
Hanson,
W. Adams,
J. Adams,
J. Goldsborough,
J. Tilghman,
Thomas,
Gray,
Deye,
Lee,
Ward,
Earle,
Baker,
Beall,
Waring,
Jacobs,
Murdock,
Dulany,
Robert Lloyd,
E. Tilghman,
Wright,
Hollyday,
Harris,
Selby,
Allen,
Chaille,
Chapline,
Magruder,
Beatty,
Cresap.
[42]

For the Negative,

C. Goldsborough,
Doc.^{t} Steuart.
[2]

Agreeable to the above Resolve, the said Bill was thus Indorsed, Read the first and second Time by an especial Order and will Pass; and was sent to the Upper House by Mr. Robert Lloyd and Mr. Waring.

The following Message was sent to the Upper House by Mr. Dulany and Mr. Worthington.

L. H. J.
Liber No. 52
April 17

By the Lower House of Assembly, 17th April, 1762.

May it please your Honours,

This House has appointed Mr. Worthington, Mr. Dulany, and Dr. Steuart, to joint Richard Lee, Esq; from your House, for the Purposes mentioned in your Message of the 15th Instant.

Signed per Order, J. A. Thomas, Cl. Lo. Ho.

Mr. Selby and Mr. Chaille have Leave of Absence. Mr. James Tilghman has Leave of Absence till Tuesday. Mr. Hammond has Leave till Monday.

A Bill, entituled, An Act for the Trial of all Matters of Fact in the several Counties, where they have arisen or shall arise, was Read the first Time, and Ordered to lie on the Table.

A Bill, entituled, An Act to impower William Clajon, and Mary his Wife, Administratrix of Gamaliel Butler, to sell a Lot of Ground, and Three Dwelling-Houses, situate in the City of Annapolis, for the Payment of the Debts of the said Gamaliel Butler;

A Bill, entituled, An Act to remedy an Omission in the Last Will and Testament of Henry Woodward;

A Bill, entituled, An Act to change the Name of Zaccheus Barrett to that of Onion;

Were severally Read the second Time, and will Pass.

Mr. Dulany brings in and delivers to Mr. Speaker, the following Report:

Maryland sst

At a Committee of both Houses of Assembly, appointed to Inspect the Office and Proceedings of the Commissioners or Trustees appointed for Emitting Bills of Credit, established by Act of Asembly,

Were Present,

p. 55

The Honourable Samuel Chamberlaine, Esq; of the Upper House.

Mr. Walter Dulany,
Mr. Robert Lloyd,
Mr. Michael Earle,
Mr. Brice T. B. Worthington
Mr. John Hanson,
Mr. Josias Beall, junior,
Mr. John Trueman Stoddert,
Mr. Thomas Ringgold,
Mr. Charles Grahame,
Mr. Henry Hall,
of the Lower House.

L. H. J. Liber No. 52 April 17

Who make Choice of, and Appoint, the Honourable Samuel Chamberlaine, Esq; Chairman; and Robert Couden, their Clerk; and agree to make the following Report.

Your Committee make Report to your Honours, that they have, since their Meeting, counted and burnt the Sum of Twenty-one Thousand, Three Hundred, and Twenty Pounds, Nine Shillings, and Six Pence, Part of the Money brought into the Office, and directed to be burnt and destroyed, by the Act for granting a Supply of Forty Thousand Pounds for his Majesty's Service, and striking Thirty-four Thousand and Fifteen Pounds, Six Shillings, in Bills of Credit, and Raising a Fund for sinking the same.

All which is humbly submitted to the Consideration of both Houses of Assembly.

Samuel Chamberlaine,
Walter Dulany,
Robert Lloyd,
Michael Earle,
Brice T. B. Worthington,
John Hanson,
Josias Beall, junior,
John Trueman Stoddert,
Thomas Ringgold,
Charles Grahame,
Henry Hall.

Which was Read, and Ordered to lie on the Table.

Col. Edward Lloyd, from the Upper House, delivers to Mr. Speaker, the Petition of sundry Inhabitants of Anne-Arundel County; thus Indorsed, By the Upper House of Assembly, 17th April, 1762. Read and Referred to the Consideration of the Lower House of Assembly.

Which said Petition was here Read, and Ordered to lie on the Table.

The House adjourns till 2 of the Clock.

Post-Meridiem. The House met according to Adjournment.

Mr. Magruder has Leave of Absence.

Mr. Hayward brings in and delivers to Mr. Speaker, the Bill for the Advancement of Justice; which was committed for Amendment.

Mr. Murdock brings in and delivers to Mr. Speaker, the Ingrossed Address

To his Excellency Horatio Sharpe, Esq; Governor and Commander
in Chief in and over the Province of Maryland.
The humble Address of the House of Delegates.

May it please your Excellency,

Our Attention has been so much engaged in the Bill for his Majesty's Service, that we could not take a more early Notice of the extraordinary Answer your Excellency was pleased to send us to our Address, in consequence of your Speech at the Opening of this Session. L. H. J. Liber No. 52 April 17

We are sorry to be involved in a Dispute with your Excellency at the Beginning of this new Assembly; but as you have thought fit to enter obliquely, into a Vindication of the Conduct of the Upper House, for refusing Bills so frequently sent them for Supporting an Agent, and by remote Intimations to contest the Necessity of employing One in the Service of this Province, we conceive our Silence might be construed into an Acquiescence in your Excellency's Opinion, and are therefore under an indispensible Obligation to assert the Expediency of exercising a Right so essential to the most important Interests of our Constituents.

In our Address to your Excellency, we had no other Intention in mentioning the Want of an Agent, than to vindicate the Conduct of the late Lower House, and to account for the Generality of the Reprehension contained in Lord Egremont's Letter, and repeated p. 56 in your Speech, which we conceived would have been restrained to the Upper House, had the Subject been properly represented. Hence we inferr'd the Want of an Agent, and the injurious Treatment the People of this Province have met with from the Upper House, by their repeated Refusal of Bills for the Support of a Person in that Character. This being the Case, we think your Excellency had not the least Foundation for engaging in a Controversy with us on this Head, nor can any Design be fairly inferr'd from our Address, of imputing the Miscarriage of the Bills for Support of an Agent to your Excellency, as you are pleased to intimate. We therefore think your Excellency went a little out of your Way, in supposing we intended to include you in a Charge which is expressly confined to them.

Although your Excellency has not entered into a formal or express Denial of the general Necessity of employing a Provincial Agent in London, yet if your Reasoning in the particular Instance you mentioned can be supported, it necessarily supersedes the Expediency of employing one on every other Contest between the Government and People. The Transmittal of the Journals and Bills to his Majesty's Ministers seems, in your Excellency's Opinion, to exclude the Necessity of establishing an Agent to represent our Transactions at Home, on the particular Subject of the late Supply Bills. If this Argument be admitted, it will follow, that let the Measure of his Lordship's Administration be ever so oppressive to the People, and the Remonstrances of their Delegates be ever so well founded, your Excellency may also presume, that if the Journals may be supposed to contain a true Representation of their Proceedings, there cannot be that great Occasion which they apprehend for the Support of an Agent, because those Journals have been regularly transmitted for

L. H. J. Liber No. 52 April 17 the Information of his Majesty's Ministers. Since, therefore, it seems to be your Excellency's Opinion, that we have no Occasion for an Agent in the particular Instance mentioned in your Message, for Reasons which may be extended to every other Cause of Complaint, we think it amounts to little less than a general Denial of the Expediency of establishing a Person in that Character. This, we conceive, is a Doctrine of so dangerous a Tendency to the Rights of our Constituents, that we must insist a little on your Excellency's Patience, while we explain and enforce the Right of the People to appoint an Agent, and the Expediency of exercising that Right. The great End of employing an Agent, is to represent, and bring to a final Determination, any Matters in Dispute with the Proprietary, by which the People may apprehend themselves aggrieved. If the People think themselves aggrieved, they have a Right to apply to his Majesty for Redress. If they have this Right, it follows, that they must have a Right to the Means of giving his Majesty the fullest Information upon the Subject of their Appeals; and this, no doubt his Majesty, from his known Love of Justice and Tenderness to all his Subjects, would require; so that we conceive it not only an Invasion of the People's Privileges, but derogatory from his Majesty's Dignity, to withhold from him the clearest Lights we can give him for the Information of his Judgment. If it be undeniable, that every Individual has, on proper Occasions, a Right to appeal to his Majesty, and to employ any Agent he thinks proper to inforce his Cause, and place it in the most advantageous Light, it follows, *à fortiori,* that a whole Body of his Subjects must have this Right; we hope, therefore, we shall be excused if we say, it is too assuming in a Governor to undertake to judge of the Expediency of the People's having an Agent to support their Interests, when he may be considered as the Delegate of the Lord Proprietary, against whom they p. 57 may be desirous to exhibit their Complaints, and the subordinate Instrument of those very Encroachments by which they are aggrieved. But besides this, we think your Excellency a little unhappy in your Reasoning; for you infer, that there cannot be that great Necessity we seem to apprehend for the Appointment of an Agent, because the Ministry have been informed from our Journals of the Nature of our Disputes. Now we think your Excellency could not have produced a stronger Instance to shew the absolute Necessity of our having one, unless the Inefficacy of a particular Measure can be supposed to render any other Step unnecessary; for what have the Ministry done in Consequence of this Information, and your Excellency's Intimation to Mr. Pitt, one of his Majesty's then principal Secretaries of State, that you were afraid no Supplies for the King's Service would be granted in this Province, unless his Majesty should be pleased to have the Dispute thoroughly examined into, and finally settled Have they determined the Disputes? Has

L. H. J.
Liber No. 52
April 17

any Thing ever been laid before us pointing out in Terms precise and explicit, that Branch of the Legislature which is charged with Obstinacy in adhering to their former Conduct? We beg Leave to say, that notwithstanding your Excellency's Averment to the contrary, no such Inference can with Propriety be drawn from any Thing yet communicated to us from the Ministry; Matters are left just in the same Situation they were before: His Majesty has too much Wisdom, and too high a Sense of Justice, to decide the most essential Interests of a free People, who are prevented from having any Advocate to support their Cause, upon an *ex parte* Representation. The Reprehension by this Means, as we conceive, remains General, and we make no doubt will so continue, 'til by an ample Discussion of the Allegations on both Sides, and a full Hearing of both Parties before a proper Jurisdiction, our Disputes may meet with a fair and constitutional Decision. As to Lord Loudoun's Opinion of the Supply Bill of 1757, 'tis true, the then Lower House did desire your Excellency to send a Copy of that Bill to his Lordship, the Commander in Chief at that Time of the King's Forces in North-America; from the Perusal of which they expected, if he saw any Thing impracticable in the Execution of the Plan, for raising the Aids for the King therein proposed, or unjust or unreasonable in the Means, or too sparing in the Sum offered, he would have pointed them out for their Consideration; and it does not appear that his Lordship thought that Bill liable to the least Objection in any of these Respects; but rather that from the generous Provision therein made for his Majesty's Service, and the Care taken in that Bill to lay the Tax equal, and in a Mode similar to that long since established, and hitherto continually used, in our Mother Country, and several of our neighbouring Colonies, he conceived a good Opinion of the Zeal of that Assembly to promote the Service of his Royal Master. His Lordship took Exception only to the Military Part of the Bill, by which the Duty of some Part of the Troops intended to be raised was particularly circumscribed, and not left at large to his sole Direction. His Words are these, "I am clearly of Opinion, that if it had passed into a Law of the Province, it would be a direct Infringement of the King's undoubted Prerogative, and as such was very wisely rejected by the Upper House. At the same Time I am willing to believe the Assembly had not considered it in that Light, or they would never have formed it in that Manner, nor had they considered that Right of the King, in Commanding his Subjects in Arms, which is a Right indisputed every where, or they would never have disputed the Power of his Commission, to have marched the Troops raised by them, for the Defence of his Dominions, even out of their Province." This is the sole Objection his Lordship made to that Bill; and to this Objection, that House thought it prudent to give Way, and ever afterwards framed their Bills with a due

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Regard to it. How candid is it then to insinuate generally, that the Commander in Chief of the King's Forces in North-America, applauded the Conduct of the Upper House in rejecting that Bill, when his Objection is confined to a particular Part only, which has since been omitted, and made in Terms which shew his favourable Opinion of their good Dispositions to promote the Service of the King? As to Mr. Pratt's Opinion upon several Parts of the Supply Bill of 1758, we must put your Excellency in Mind, that you insisted on that Opinion to the late Lower House, and that, that House being desirous of paying it all due Regard, in their Address to your Excellency, expressed their Wishes, that that Opinion had been accompanied with a State of the Case on which it was founded; but you pleased to decline giving them any Satisfaction on that Head. Your Excellency must be sensible how much Opinions of Council are Governed, by the Manner in which the Facts they are founded on are stated. And that this is not a mere speculative Notion, is evinced by a Comparison between that Part of Mr. Pratt's Opinion, which relates to Lord Baltimore's Right of appointing all the Officers for carrying that Bill into Execution, had it passed into a Law, with the Opinion of the present Chief Justice of the Common Pleas at Home, when he was Attorney General, and adduced by the Upper House in Support of the same Point. As, therefore, Opinions of Lawyers (for in that Light we must consider Mr. Pratt in the present Case) depend so much upon the State of the Facts laid before them, and as the State on which that Opinion was given, does not appear, we apprehend we shall stand excused in not paying an implicit Regard to it. Your Excellency confines the Reprehension contained in Lord Egremont's Letter entirely to the Lower House. On a like Occasion the late Lower House animadverted upon the extream Disingenuity of your Excellency, in wresting the Meaning of Mt. Pitt's Letter, to the Disadvantage of that House; and we think it not very decent in your Excellency, to pervert the Meaning of Letters from his Majesty's Ministers, by arbitrary and forced Constructions, merely for the Sake of throwing an Odium on our Proceedings. There is not a Syllable in the Secretary's Letter confining the Censure of the Miscarriage of former Bills to the Lower House; and we will never suppose, that our Conduct will be condemned, without a fair Opportunity of vindicating it. If we are wrong, we will on all Occasions submit; but as British Subjects we claim a Right to be Heard, nor shall we ever be induced to deviate from what we think Right, by any Suggestion from your Excellency, that his Majesty's Ministers disapprove of our Conduct. Under the Administration of so gracious a Sovereign as at present fills the Throne, we trust, we shall never incur the Royal Displeasure, by a firm Adherence to the Privileges of our Constituents, and that while we express our ardent Desire, and use our utmost Endeavours on all Occasions, to bring our Com-

L. H. J. Liber No. 52 April 17

plaints in a proper Manner before his Majesty, he will not impute to Obstinacy, a Conduct resulting altogether from a Sense of our Duty; in which, if we are so unhappy as to be Mistaken, it is not our Fault that we have continued in our Error, but the Fault of those, who, by refusing to pass a Bill for the Support of an Agent, have precluded us from the Means of bringing our Contests before the proper Tribunal for a Decision.

[*The opinion of Charles Pratt, Attorney-General of the Crown, referred to in the above address of the Lower House, will be found in the Archives of Maryland, Volume LVI, pp. 202-204*]

Which was Read; and thereupon the Question was put, That this House do Assent thereto. Resolved in the Affirmative.

For the Affirmative,

Hynson, p. 59
Ringgold,
Worthington,
Gantt,
J. J. Mackall,
Stoddert,
Smallwood,
Hanson,
J. Tilghman,
Thomas,
Deye,
Ward,
Earle,
Baker,
Beall,
Waring,
Jacobs,
Murdock,
Robert Lloyd,
E. Tilghman,
Chapline,
Beatty,
Cresap.
[23]

For the Negative,

J. Hall,
Plater,
Richard Lloyd,
Wilmer,
Johnson,
Grahame,
Hayward,
W. Adams,
J. Adams,
Edmondson,
J. Goldsborough,
C. Goldsborough,
Gray,
Lee,
Dulany,
Steuart,
Hollyday,
Wright,
Harris,
Selby,
Allen,
Chaille.
[22]

Ordered, That Mr. Edward Tilghman and Mr. Hanson do acquaint his Excellency, That this House hath prepared an Address, to be presented to him, and desires to know when and where he will be pleased to receive it. They return and acquaint Mr. Speaker, That the Governor signified he would receive it immediately in the Council Chamber.

Ordered, That Mr. Robert Lloyd, with Five more, do present the Address to his Excellency.

The Bill for the Advancement of Justice, was Read the second Time, with the Amendments; and the Question was put, That the same do Pass. Resolved in the Affirmative.

L. H. J.
Liber No. 52
April 17

For the Affirmative,

Plater,
Hynson,
Ringgold,
Richard Lloyd,
Worthington,
J. J. Mackall,
Stoddert,
Smallwood,
Hanson,
Hayward,
W. Adams,
J. Adams,
Edmondson,
J. Goldsborough,
Thomas,
Gray,
Deye,
Ward,
Earle,
Baker,
Murdock,
Dulany,
Robert Lloyd,
E. Tilghman,
Wright,
Harris,
Selby,
Allen,
Chaille,
Chapline,
Beatty,
Cresap.
[32]

For the Negative,

Gantt,
Grahame,
Lee,
Beall,
Waring,
Jacobs,
Hollyday.
[7]

Agreeable to the above Resolve, the said Bill was Indorsed, Read the second Time, and will Pass; and was sent to the Upper House by Mr. John Goldsborough and Mr. Hayward.

Mr. Jacobs and Mr. Murdock have Leave of Absence till Monday.

The Petition of the Vestrymen and sundry Others of Port-Tobacco Parish, in Charles County, was Read the second Time and Granted:

Ordered, That Mr. Hanson, Mr. Stoddert, and Mr. Smallwood, do prepare and bring in a Bill accordingly.

A Bill, entituled, An Act to change the Name of Zaccheus Barrett to that of Onion;

A Bill, entituled, An Act to impower William Clajon, and Mary his Wife, Administratrix of Gamaliel Butler, to sell a Lot of Ground, and Three Dwelling-Houses, situate in the City of Annapolis; [*This paragraph in printed journal, but not in original manuscript liber*]

A Bill, entituled, An Act to remedy an Omission in the Last Will and Testament of Henry Woodward;

Were sent to the Upper House by Mr. Worthington and Mr. Johnson.

A Bill entituled an Act for the better securing the Duty of one shilling and three pence sterling per hogshead of Tobacco imposed by an Act for emitting and making current £900000 current Money of Maryland in Bills of Credit, and all other Monies received by the Naval Officers belonging to the Publick, was read the first time and ordered to lie on the Table.

Mr. Deye brings in and delivers to Mr. Speaker, a Bill, entituled, An Act for destroying Crows and Squirrels in Baltimore County; which was Read the first Time, and Ordered to lie on the Table.

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The Bill for the Preservation of the Breed of Fish in the River Susquehanna, was Read the second Time, and will Pass.

Mr. Hollyday has Leave of Absence till Tuesday.

The House adjourns till Monday Morning 9 of the Clock.

Monday, April 19, 1762.

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The House met according to Adjournment: The Members were called, and all appeared as on Saturday, except Mr. Magruder, Mr. Selby, and Mr. Chaille. The Proceedings were Read.

Mr. Hanson brings in and delivers to Mr. Speaker, a Bill, entituled, An Act impowering the Justices of Charles County, to levy on the Taxable Inhabitants of Port-Tobacco Parish, in the said County, a Sum of Tobacco for the Uses therein mentioned; which was Read the first and second Time by especial Order, and will Pass; and was sent to the Upper House by Mr. Hanson and Mr. Smallwood.

On Motion, Leave was given, to bring in a Bill for the Encouragement of Jonas Green, of the City of Annapolis, Printer:

Ordered, That Mr. John Hall, Mr. Johnson, and Mr. Grahame, do prepare and bring in the same.

A Bill, entituled, An Act for the Naturalization of Colonel Henry Bouquet and Frederick Victor, was sent to the Upper House by Doctor Steuart and Mr. Worthington.

Stephen Bordley, Esq; from the Upper House, delivers to Mr. Speaker, the following Bills:

A Bill, entituled, An Act to enable William Clajon and Mary his Wife, Administratrix of the Last Will and Testament of Gamaliel Butler, to sell a Lot of Ground, and three Dwelling-Houses, situate in the City of Annapolis, for the Payment of the Debts of the said Gamaliel Butler;

A Bill, entituled, An Act to change the Name of Zaccheus Barrett to that of Onion;

A Bill, entituled, An Act to remedy an Omission in the Last Will and Testament of Henry Woodward;

Severally thus Indorsed, By the Upper House of Assembly, 19th April, 1762. Read the second Time and will Pass.

Which said Bills were here Read, and Passed for Ingrossing.

The House appoints Mr. Wright, Mr. Hall, and Mr. Grahame, a Committee to consider of, and Report to the House, the Claims of Captain Robert Saunders, Serjeant at Arms.

Mr. Lee has Leave of Absence.

The House adjourns till 2 of the Clock.

Post-Meridiem. The House met according to Adjournment.

L. H. J. Liber No. 52 April 19 An Ingrossed Bill, entituled, An Act continuing an Act, entituled, An Act for destroying Wolves in Frederick County;

An Ingrossed Bill, entituled, An Act to enable James Hollyday, legal Representative of James Hollyday, Esq; deceased, late Treasurer of the Eastern Shore, to draw Bills for the Money therein mentioned;

An Ingrossed Bill, entituled, An Act to impower the Justices of Somerset and Worcester Counties to levy on the taxable Inhabitants of Coventry Parish, partly in Somerset and Worcester Counties, the Quantity of 62,400 lbs. of Tobacco, for the Uses therein mentioned.

An Ingrossed Bill, entituled, An Act continuing an Act, entituled, An Act for Repairing the public Roads in this Province, and the Supplementary Act thereto.

p. 61 An Ingrossed Bill, entituled, An Act continuing an Act, entituled, An Act for the more efficient destroying Crows and Squirrels in the Counties of Kent, Queen-Anne's and Talbot, and for destroying Red Foxes in the said Counties;

An Ingrossed Bill, entituled, An Act continuing an Act, entituled, An Act for the Relief of such Persons as cannot find Surety for their Appearance, to testify as a Witness against any Person arrested, accused, or prosecuted, for any Criminal Matter;

An Ingrossed Bill, entituled, An Act for Erecting a Public Warehouse at Vienna-Town, in Dorchester County;

Were severally thus Indorsed, By the Lower House of Assembly, Read and Assented to; and were sent to the Upper House by Mr. John Goldsborough and Mr. Edmondson.

Mr. James Tilghman brings in and delivers to Mr. Speaker, an Address, to be transmitted to the King's Most Excellent Majesty; which was Read the first Time, and Ordered to lie on the Table.

On Motion, the Question was put, That Three Hundred able-bodied Men, be levied, paid and cloathed, for his Majesty's Service, agreeable to his Majesty's Requisition, signified by the Secretary of State's Letter, and also that Eighty-four Men be raised and levied, for Recruiting his Majesty's Regiments under the Command of his Excellency Sir Jeffery Amherst, his Majesty's General, agreeable to his Majesty's Requisition, signified by the said General's Letter, and that the following Sums of Money be applied to defray the Expence thereof, to wit,

The Sum of Two Thousand One Hundred and Twenty-one Pounds, which now remains in the Loan Office, Part of the Sum of Money appropriated for Scalps and Prisoners by the Act for granting a Supply of Forty Thousand Pounds for his Majesty's Service, ...	2121	0	0

L. H. J.
Liber No. 52
April 19

The Sum of £142 Sterling and £176 Currency, now in the Hands of the Agents appointed by that Act, amounting in Current Money to................	345	6	8
And £1999 which is paid into the Loan Office, by Virtue of the Act for his Majsety's Service, made in 1754, to replace the like Sum then taken out of the Hands of the Treasurer,..................	1999	0	0
And the Sum of £6054.18.7 of the Money now in the Loan Office,............................	6054	18	7
	£10520	5	3

And that the Ordinary Licences, after the Purposes in the aforesaid Act for granting Forty Thousand Pounds are complied with, to be continued until the aforesaid Sum of £1999 is replaced in the Hands of the Treasurer.

Resolved in the Negative.

For the Negative,

Hynson,
Richard Lloyd,
Ringgold,
Worthington,
H. Hall,
Hammond,
Gantt,
J. J. Mackall,
Stoddert,
Smallwood,
Hanson,
J. Tilghman,
Deye,
Paca,
Earle,
Baker,
Beall,
Waring,
Jacobs,
Murdock,
Robert Lloyd,
E. Tilghman,
Chapline,
Beatty [24]

For the Affirmative,

J. Hall,
Plater,
Wilmer,
Johnson,
Grahame,
Hayward,
W. Adams,
J. Adams,
Edmondson,
J. Goldsborough,
Thomas,
C. Goldsborough,
Gray,
Lee,
Ward,
Dulany,
Steuart,
Wright,
Hollyday,
Harris,
Allen,
Cresap. [22]

Mr. Edward Tilghman has Leave of Absence.

The House adjourns till the Morrow Morning 9 of the Clock.

Tuesday, April 20, 1762.

April 20
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The House met according to Adjournment: The Members were called, and all appeared as Yesterday, except Mr. Lee. The Proceedings were Read.

L. H. J.
Liber No. 52
April 20

Ordered, That Mr. Green do Print Copies of the Assessment Bill, one for the Governor for the Time being, one for each Member of the Upper House, one for each Member of the Lower House, and one for the Clerk of each County, together with the several Messages relative thereto.

The Address to the King's most Excellent Majesty, was Read the second Time, and Approved, and Ordered to be Ingrossed.

A Bill, entituled, An Act to impower Mary Stansbury, Widow and Administratrix, with the Will annexed, of Tobias Stansbury, late of Baltimore County, to sell the Lands therein mentioned, for the Payment of the Debts of the said Tobias Stansbury;

A Bill, entituled, An Act to establish a Market, at the Market-House in Chester-Town, in Kent County, and for the Regulation of the said Market;

A Bill, entituled, An Act for the better securing the Duty of One Shilling and Three Pence per Hogshead of Tobacco, imposed by an Act for emitting and making Current £90,000 Current Money of Maryland, in Bills of Credit, and all other Monies by the Naval Officers belonging to the Public;

Were severally Read the second Time, and will Pass; and were sent to the Upper House by Mr. Gantt and Mr. Deye.

The Petition of sundry Inhabitants of Anne-Arundel County, was Read the second Time; and the Question was put, That the Consideration of the Subject-matter contained in the said Petition, be referred to the Consideration of the next Session of Assembly. Resolved in the Affirmative.

For the Affirmative,

Hynson,
Richard Lloyd,
Ringgold,
Gantt,
J. J. Mackall,
Stoddert,
Hanson,
Hayward,
W. Adams,
Edmondson,
J. Tilghman,
J. Goldsborough,
Thomas,
Sulivane,
Gray,
Deye,
Paca,
Ward,
Earle,
Baker,
Beall,
Waring,
Jacobs,
Murdock,
Dulany,
Robert Lloyd,
Wright,
Hollyday,
Cresap.

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For the Negative,

Wilmer,
Worthington,
H. Hall,
Hammond,
Johnson,
J. Adams,
Harris,
Allen,
Chapline,
Beatty.

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A Bill, entituled, An additional supplementary Act to the Act, entituled, An Act for Quieting Possessions, Enrolling Conveyances, and Securing the Estates of Purchasers; was Read the first Time, and Ordered to lie on the Table.

A Bill, entituled, An Act for issuing Writs of Replevin out of the County Courts;

A Bill, entituled, An Act for the more easy Foreclosure of Mortgages;

Were severally Read the first and second Time by especial Order, and will Pass.

A Bill, entituled, An Act impowering the Justices of Baltimore County Court, to levy a Sum of Current Money, and for other Purposes therein mentioned; was Read the second Time, and will Pass.

Which said Bills were sent to the Upper House by Mr. Charles Goldsborough and Mr. Gray.

An Ingrossed Bill, entituled, An Act to change the Name of Zaccheus Barrett, to that of Onion; was sent to the Upper House, with the Paper Bill, by Mr. Charles Goldsborough and Mr. Grey.

A Bill, entituled, An Act for the Trial of all Matters of Fact in the several Counties where they have arisen, or shall arise; was Read the second Time, and will Pass; and was sent to the Upper House by Mr. Ringgold and Dr. Steuart.

Benedict Calvert, Esq; from the Upper House, delivers to Mr. Speaker, the Petition of the Rector, Vestrymen, Churchwardens, and Parishioners of Prince-George's Parish, in Prince-George's and Frederick Counties; thus Indorsed, By the Upper House of Assembly, 20th April, 1762. Read and Referred to the Consideration of the Lower House of Assembly. p. 63

Which was here Read, and Ordered to lie on the Table.

Richard Lee, Esq; from the Upper House, delivers to Mr. Speaker, the following Bills:

A Bill, entituled, An Act for the Naturalization of Colonel Henry Bouquet, and Frederick Victor;

A Bill, entituled, An Act impowering the Justices of Charles County, to levy and raise on the taxable Inhabitants of Port-Tobacco Parish, in the said County, a Quantity of Tobacco for the Uses therein mentioned;

Severally thus Indorsed, By the Upper House of Assembly, 19th April, 1762. Read the first and second Time by especial Order, and will Pass.

Which Bills were here Read, and Passed for Ingrossing.

On Motion, Leave was given, to bring in a Bill to prevent any future Loan of the Bills of Credit in the Paper Currency Office, and

L. H. J. Liber No. 52 April 20 to ease the Inhabitants of this Province in the Payment of certain Taxes:

Ordered, That Mr. Ringgold, and Mr. James Tilghman, do prepare and bring in the same.

The House adjourns till the Morrow Morning 9 of the Clock.

April 21

Wednesday, April 21, 1762.

The House met according to Adjournment. The Members were called, and all appeared as Yesterday, except Mr. Edward Tilghman. The Proceedings were Read.

Mr. William Adams has Leave of Absence.

On Motion, Leave was given, to bring in a Bill to continue the Process of the Provincial Court.

Ordered, That no new Business be moved for after Twelve o'Clock.

A Bill, entituled, An Act for the speedy and effectual Publication of the Laws of this Province, and for the Encouragement of Jonas Green, of the City of Annapolis, Printer, was Read the second Time, and will Pass, and was sent to the Upper House, by Mr. Grahame and Mr. Dulany.

John Ridout, Esq; from the Upper House, delivers to Mr. Speaker, the following Bills:

A Bill, entituled, An Act to impower Mary Stansbury, Widow and Administratrix of Tobias Stansbury, late of Baltimore County, deceased, to sell the Lands therein mentioned, for the Payment of the Debts of the said Tobias Stansbury.

A Bill, entituled, An Act impowering the Justices of Baltimore County Court, to assess and levy a Sum of Current Money, and for other Purposes therein mentioned;

Severally thus Indorsed, By the Upper House of Assembly, 21st April, 1762. Read the second Time, and will Pass.

Which said Bills were here Read, and Passed for Ingrossing.

Mr. Henry Hall brings in and delivers to Mr. Speaker, a Bill, entituled, An Act for Building a Church in Saint James's Parish in Anne-Arundel County; which was Read the first and second Time by especial Order, and will Pass; and was sent to the Upper House by Mr. Henry Hall and Mr. Deye.

Ordered, That Mr. Green do Print and Publish in his next Week's Gazette, the Address to his Excellency, in Answer to his Message of the 20th of March.

A Bill, entituled, An Act to augment the Salaries of the Inspectors at Elk-Ridge Landing Warehouse in Anne-Arundel County, and of Emerson's Warehouse in Talbot County, and for other Purposes therein mentioned; was Read the second Time, and will Pass; and was sent to the Upper House by Mr. H. Hall and Mr. Deye.

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The Petition of the Vestrymen, Churchwardens, and Parishioners of Prince-George's Parish, in Prince-George's and Frederick Counties; was Read the second Time, and Leave was given to bring in a Bill accordingly.

On Motion, Leave was given, to bring in a Bill, entituled, An additional Supplementary Act to the Act, entituled, An Act for Stay of Executions:

Ordered, That Mr. Hanson, and Mr. Beall, do prepare and bring in the same.

The House adjourns till 2 of the Clock.

Post-Meridiem. The House met according to Adjournment.

Mr. Hayward brings in and delivers to Mr. Speaker, a Bill, entituled, An additional Supplementary Act to the Act, entituled, An Act for issuing and taking out of the Office of the Commissioners or Trustees appointed for Emitting Bills of Credit, established by Act of Assembly, the Sum of £4500 Current Money, for Encouragement of such able-bodied Freemen as shall voluntarily Enlist themselves into his Majesty's Service, for the intended Expedition against Canada; and for maintaining and conveying them to the Place of Rendezvous; as also for replacing of the said Sum, and for the better regulating Ordinaries and Ordinary-Keepers; and for other Purposes therein mentioned; which was Read the first and second Time by especial Order, and will Pass, and was sent to the Upper House by Mr. Earle and Mr. Ward.

Mr. James Tilghman brings in and delivers to Mr. Speaker, a Bill, entituled, An Act for the Continuance of Causes standing for Trial in the Provincial Court; which was Read the first and second Time by especial Order, and will Pass, and was sent to the Upper House by Mr. Hollyday and Mr. J. Tilghman.

Richard Lee, Esq; from the Upper House, delivers to Mr. Speaker, the following Bills:

A Bill, entituled, An Act to augment the Salaries of the Inspectors at Elk-Ridge Landing Warehouse in Anne-Arundel County, and Emerson's Warehouse in Talbot County, and for other Purposes therein mentioned;

A Bill, entituled, An Act for Building a Church in Saint James's Parish in Anne-Arundel County;

Severally thus Indorsed, By the Upper House of Assembly, 21st April, 1762. Read the second Time and will Pass.

Which Bills were here Read, and Passed for Ingrossing.

On Motion, the Question was put, That the Sum of Seven Hundred and Fifty-six Pounds Current Money, be taken out of the £1999

L. H. J. Liber No. 52 April 21 which was taken out of the Treasurer's Hands, and is now in the Loan-Office, and for Levying the Number of Eighty-four Men to Recruit the Regular Regiments in America, agreeable to Letters from the Secretary of State, and General Assembly. Resolved in the Negative.

For the Negative,

Hynson,
Richard Lloyd,
Ringgold,
Worthington,
H. Hall,
Hammond,
Gantt,
J. J. Mackall,
Stoddert,
Smallwood,
Hanson,
J. Tilghman,
Deye,
Paca,
Earle,
Baker,
Beall,
Waring,
Jacobs,
Murdock,
Robert Lloyd,
Hollyday,
Chapline,
Beatty. [24]

For the Affirmative,

J. Hall,
Plater,
Wilmer,
Johnson,
Grahame,
Hayward,
W. Adams,
J. Adams,
Edmondson,
J. Goldsborough,
Thomas,
C. Goldsborough,
Sulivane,
Gray,
Ward,
Dulany,
Steuart,
Wright,
Harris,
Allen,
Cresap. [21]

p. 65 An Ingrossed Bill, entituled, An Act impowering the Justices of Charles County, to levy on the Taxable Inhabitants of Port-Tobacco Parish, in the said County, a Quantity of Tobacco for the Uses therein mentioned, was sent to the Upper House, with the Paper Bill, by Mr. Earle and Mr. Ward.

Samuel Chamberlaine, Esq; from the Upper House, delivers to Mr. Speaker, a Bill, entituled, An Act for the speedy and effectual Publication of the Laws of this Province, and for the Encouragement of Jonas Green, of the City of Annapolis, Printer; thus Indorsed, By the Upper House of Assembly, 21st April, 1762. Read the first and second Time by especial Order, and will Pass.

Which said Bill was here Read, and Passed for Ingrossing.

The House adjourns till the Morrow Morning 9 of the Clock.

April 22

Thursday, April 22, 1762.

The House met according to Adjournment: The Members were called, and all appeared as Yesterday. The Proceedings were Read.

Mr. John Adams has Leave of Absence.

An Ingrossed Bill, entituled, An Act to remedy an Omission in the Last Will and Testament of Henry Woodward; L. H. J. Liber No. 52 April 22

An Ingrossed Bill, entituled, An Act for the speedy and effectual Publication of the Laws of this Province, and for the Encouragement of Jonas Green, of the City of Annapolis, Printer;

An Ingrossed Bill, entituled, An Act impowering the Justices of Baltimore County Court, to assess and levy a Sum of Current Money, &c.

An Ingrossed Bill, entituled, An Act to augment the Salaries of the Inspectors at Elk-Ridge Landing Warehouse, in Anne-Arundel County, and Emerson's Warehouse in Talbot County, &c.

An Ingrossed Bill, entituled, An Act to impower Mary Stansbury to sell the Lands therein mentioned, &c.

An Ingrossed Bill, entituled, An Act for the building a Church in St. James's Parish, in Anne-Arundel County

An Ingrossed Bill, entituled, An Act to impower William Clajon, and Mary his Wife, &c.

An Ingrossed Bill, entituled, An Act for the Naturalization of Colonel Henry Bouquet and Frederick Victor;

Were sent to the Upper House by Mr. Plater and Mr. Gray.

Mr. Ringgold brings in and delivers to Mr. Speaker, a Bill, entituled, An Act to prevent any future Loan of the Bills of Credit in the Paper Currency Office, and to ease the Inhabitants of this Province, in the Payment of certain Taxes, was Read the first and second Time by especial Order, and will Pass; and was sent to the Upper House by Mr. Hanson and Mr. Harris.

A Bill, entituled, An Act for the opening and better amending and keeping in Repair, the Public Roads and Highways in Baltimore County, was Read the first and second Time, and referred to the Consideration of the next Session of Assembly.

A Bill, entituled, An Act for destroying Crows and Squirrels in Baltimore County, was Read the second Time, and will Pass; and was sent to the Upper House by Mr. Hanson and Mr. Harris.

A Bill, entituled, An additional supplementary Act to the Act, entituled, An Act for Quieting Possessions, Enrolling Conveyances, and Securing the Estates of Purchasers, was Read the second Time, and referred for Consideration of the next Session of Assembly.

The House adjourns till 2 of the Clock.

Post-Meridiem. The House met according to Adjournment. p. 66

The House adjourns till the Morrow Morning 9 of the Clock.

Friday, April 23, 1762. April 23

The House met according to Adjournment: The Members were called, and all appeared as Yesterday. The Proceedings were Read.

L. H. J.
Liber No. 52
April 23

Mr. Earle, Mr. Allen, and Mr. Hammond, have Leave of Absence.

Mr. John Goldsborough brings in and delivers to Mr. Speaker, the Journal of Accounts; which was Read and Assented to, and sent to the Upper House by Mr. John Goldsborough, and Four more.

Mr. Hanson brings in and delivers to Mr. Speaker, a Bill, entituled, An Additional supplementary Act to the Act for Stay of Executions after the Tenth Day of May yearly.

Mr. Beall brings in and delivers to Mr. Speaker, a Bill, entituled, An Act for the Security of the Public Records and Papers.

Mr. Ringgold brings in and delivers to Mr. Speaker, a Bill, entituled, An Act to ease the Land-Tax; which was Read the first and second Time by especial Order, and will Pass;

Which said Three Bills were sent to the Upper House by Mr. Hanson and Mr. Harris.

A Bill, entituled, An Act for the more easy Foreclosure of Mortgages, was referred for Consideration to the next Session of Assembly.

The House proceeds to Tax the following private Bills:

A Bill for the Naturalization of Colonel Henry Bouquet and Frederick Victor,

To the Honourable Speaker,..............	£8 0 0
To the Clerk,..........................	4 0 0

A Bill to remedy a Defect in the Last Will and Testament of Henry Woodward,

To the Honourable Speaker,..............	£1 10 0
To the Clerk,..........................	0 15 0

A Bill to enable William and Mary Clajon to sell one Lot of Ground, and three Dwelling-Houses, situate in the City of Annapolis,

To the Honourable Speaker,..............	£1 0 0
To the Clerk,..........................	0 10 0

A Bill to enable Mary Stansbury, Widow of Tobias Stansbury, to sell the Lands therein mentioned, for the Payment of the Debts of the said Tobias Stansbury,

To the Honourable Speaker,..............	£2 0 0
To the Clerk,..........................	1 0 0

A Bill to change the Name of Zaccheus Barrett to that of Onion,

To the Honourable Speaker,..............	£5 0 0
To the Clerk,..........................	2 10 0

Col. Robert Jenckins Henry, from the Upper House, delivers to Mr. Speaker, a Bill, entituled, An Act for Continuance of Causes standing for Trial in the Provincial Court; thus Indorsed, By the Upper House of Assembly, 23d April, 1762. Read the first and second Time by especial Order, and will Pass.

Which was here Read, and Passed for Ingrossing,

The Petition of the Mayor, Recorder, Aldermen, and Common Council, of the City of Annapolis: The Petition of Henry Ward: The Petition of sundry Inhabitants of Talbot and Dorchester Counties: The Petition of sundry Inhabitants of Frederick County: The Petition of the Rector, Vestry-men and Church-wardens of St. Peter's Parish, in Talbot County: Were severally Read and Referred for Consideration to the next Session of Assembly.

p. 67 Stephen Bordley, Esq; from the Upper House, delivers to Mr. Speaker, a Bill, entituled, An Act to establish a Market, at the Market-House in Chester-Town, &c. thus Indorsed, By the Upper House of Assembly, 22d April, 1762. Read the second Time, and will Pass, with the following Amendments: In the 2d Line of the 3d Page, leave out all that follows the Words small Debts, to the End of the Section, and insert the following: To be paid to such Person, as shall, by the Justices of Kent County Court, be appointed Clerk of the Market in Chester-Town aforesaid, to be by him applied to the Repairing of the said Market-House. Leave out the last Enacting Clause but one.

Which said Bill was here Read, with the Amendments, to which the House agrees, and the said Bill was Ordered to be Ingrossed.

Stephen Bordley, Esq; from the Upper House, delivers to Mr. Speaker, a Bill, entituled, An Act for the Preservation of the Breed of Fish in the River Susquehanna; thus Indorsed, By the Upper House of Assembly, Read the second Time, and will Pass; the Forfeitures by the said Bill being applied in the following Manner; one Third Part thereof to the Right Honourable the Lord Proprietary, for the Support of Government; one Third Part to his Lordship's Governor for the Time being, residing in this Province; and one Third Part to the Informer.

Mr. Worthington brings in and delivers to Mr. Speaker, the following Report:

By the Committee appointed to inspect the Public Buildings in the City of Annapolis.

Your Committee having inspected the Public Buildings in the City of Annapolis, do find the same as follow, viz.

That the Commissary's Office wants Plaistering, which we conceive is occasioned by the Rain Waters driving in at the Windows of the Upper Story, and coming down thro' the Floor, and by the Rain which is drove thro' the Arch over the Front Door of the Court-House; and also that the said Office wants Divisions in the Shelves, to prevent the Books from pressing upon each other.

That the Chancery Office wants Glazing and Plaistering.

That the Provincial Office wants the same.

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That the Council Office wants the same, and the Partition nailing; and that the Floor of the said Office is much out of Repair.

That the Cupola wants a Door, and to be boarded on one Side, and a new Staff.

That the Corporation Office wants Plaistering and Glazing.

That the Jury Room wants the same.

That the Steps that lead up to the Offices are much out of Repair.

That the Back Entry of the Court-House wants Plaistering and Flooring, and that the Platform around the Back Door of the Court-House, is out of Repair; and that the Court-House Doors, Frames, and Sells, both in the Front and Back, are much out of Repair.

That the Wall around the Parade is in a ruinous Condition.

That the Repository for the Old Records wants Covering.

That the Outside Corner of the Conference Chamber wants Repair.

That the Paved Channel, that conveys the Water from the Council Chamber, is out of Repair.

That a Corner of the Paper Currency Office wants Repair.

That the Roofs of the Rooms over the Conference and Council Chambers, want Repairing and Barge-Boards, and the Windows Glazing.

That the Conference Chamber wants Glazing and Plaistering, and one of the Closets of the said Chamber wants Window Shutters.

That the Council Chamber wants several new Planks in the Floor, and the Casing of the Pillars of the outward Doors want Repairing.

p. 68 That the Court-House wants Glazing and Painting in many Places, and some Repairs in the Foundation.

Your Committee beg Leave to Report further, That the Commissary's, Secretary's, and Land Offices, are much too small for the regular Disposition of the Books and Papers belonging to those Offices, and for the convenient carrying on of the Business in the same Offices.

That the Assembly Office is much out of Repair.

All which is humbly submitted to the Consideration of the Honourable House.

Signed ꝑ Order, J. Rogers, Clerk.

Which was Read, and Ordered to lie on the Table.

An Ingrossed Bill, entituled, An Act for the Continuance of Causes standing for Trial in the Provincial Court, was sent to the Upper House, with the Paper Bill, by Mr. James Tilghman and Mr. Hayward.

The House adjourns till 2 of the Clock.

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Post-Meridiem. The House met according to Adjournment.

Mr. Ward, Mr. Worthington, and Col. Richard Lloyd, have Leave of Absence.

Ordered, That Mr. Worthington, Mr. Wilmer, and Mr. Wright, be added to the Committee to report to the House the State of the Serjeant's Fees.

An Ingrossed Bill, entituled, An Act to erect a Market at the Market-House in Kent County, &c. was sent to the Upper House, with the Paper Bill, by Mr. J. Goldsborough and Mr. J. Hall.

John Ridout, Esq; from the Upper House, delivers to Mr. Speaker, a Bill, entituled, An Act to prevent any future Loan of the Bills of Credit in the Paper Currency Office, &c. thus Indorsed, By the Upper House of Assembly, 23d April, 1762. Read the first and second Time, by especial Order, and will Pass, with the following Amendments: Leave out from the Word Officer, in the 17th line, to the Words and the, in the 20th Line, and insert the following: When he accounts for, and pays into the Office aforesaid, the Money by him received in Virtue of the above recited Acts, shall, at the Foot, or on the Back of his Account, produce over and above the usual Probate, a Probate under the Hand of some Provincial or County Justice to this Effect, viz. That the Paper Money for which he has debited himself in his said Account, is the Amount of all the Paper Money which he received from the People by Virtue of the said Acts, during the Time for which he accounts.

Which was Read, with the Amendments, to which the House agrees, and the said Bill was ordered to be Ingrossed.

His Excellency communicated to Mr. Speaker, the following Message:

Gentlemen of the Lower House of Assembly,

Since I find by the Address you presented to me last Saturday, that there are some among you who seem determined to misconstrue whatever I can say or do, it will give me no Concern to know, that my Conduct does not meet with the Approbation of those Men; but that such of you as have not shut your Eyes against Truth, may be more fully informed of the Disingenuity of those Gentlemen, and their unreasonable Attempts, on more Occasions than one, I must beg your Patience while I trouble you with a Narrative of some of their former Proceedings.

The Earl of Loudoun, Commander in Chief of his Majesty's Forces on this Continent, having in March 1757, signified to the Governors of the neighbouring Colonies, and Myself, that agreeable to a Plan which his Majesty had approved of, the greatest Part of the King's Regular Troops in America, were to be employed the ensuing Campaign to the Northward; and that for the Defence

L. H. J. Liber No. 52 April 23 p. 69 and Security of the Southern Colonies, he proposed to leave one Battalion of the Royal American Regiment, besides his Majesty's Three independent Companies that were in South-Carolina, and that he thought it necessary for the better Security of the said Colonies, that they should themselves furnish 3800 Men, viz. Pennsylvania 1400, Maryland 500, Virginia 1000, North-Carolina 400, and South-Carolina 500: That one Half of the abovementioned Battalion, 200 of the Men that were to be furnished by the Province of Pennsylvania, 400 of the Virginia Troops, and 200 of the Soldiers that were, according to his Lordship's Proposition, to be raised in North-Carolina, should be sent to South-Carolina, there to act in Conjunction with the 500 Men that were to be furnished by that Government, and the abovementioned Independent Companies; that the rest of the Troops which should be raised and supported by North-Carolina, Virginia, and Pennsylvania, should be employed for the Defence of those Colonies, in such Manner as his Lordship, or the Officer that he should leave with the other Five Companies of the Royal American Battalion, to command them, should think fit; and that the whole 500 Men, which this Province was required and expected to furnish, should be employed for the immediate Protection of our Frontier Inhabitants; I met the General Assembly of this Province the 8th of April, and communicated to both Houses the Plan which had been concerted for the Security of the Southern Colonies, and recommended it to them to provide for the Support of the Number of Men that were required as the Quota of this Province, which they did before the End of the Session, by appropriating to that Use what remained of the Money which had been granted the Year before for his Majesty's Service. On the 12th of April (which was before the Bill for making such an Appropriation was framed) I sent the Lower House a Message to inform them, that the Virginia Troops which had been some Time posted at Fort Cumberland, had received Orders to evacuate that Place, and to embark for South-Carolina, and that Captain Dagworthy (who was the eldest Officer in the Maryland Forces) had thereupon marched with a Detachment of those Forces, to garrison that Fort, the Earl of Loudoun having thought that Step necessary, and for his Majesty's Service.

On the 16th of April, it was Resolved by the then Lower House, "That a Number not exceeding 500 Men (including Officers and those already raised) should be kept in Pay for his Majesty's Service, and for the more immediate Protection and Defence of this Province." A Bill was accordingly brought in, and passed both Houses; but while it lay before me for my Perusal and Consideration, I was told by several Gentlemen, that those who had penned some Clauses of it, wherein the Word Frontier was used, seem'd to have been studious to lay a Foundation for Disputes; that while some

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insisted that by that Word was meant the Boundary or Limits of the Province, or at least the most distant Part of it that had been settled before the War broke out, others alledged that by the Word Frontier was intended or pointed out, that Part of the Country where the Westernmost Plantations, which were then occupied, lay, and gave it as their Opinion, that if any of the Troops were posted at, or marched to, any Place beyond Fort Frederick, and not out of the Province, the Agents ought not to pay or victual them.

As I was extremely anxious to avoid and remove every Thing that might possibly cause Misunderstandings, and become Occasion of Dispute afterwards between the Assembly and Myself, between the Officer that should be appointed to Command the Troops and the Agents, between the Agents and Myself, and in short between any Persons whatever that might be concerned with the said Troops, I intimated to one of the Agents, (who being a Member of the Lower House was then in Town) my Desire to speak with him, and upon his complying with my Request, I asked him, Whether he should think himself impowered by the Bill, which had then passed both Houses, to victual and pay any of the 500 Men that should be posted at Fort Cumberland, and whether he thought that Part of the Bill, which I was informed had been the Subject of Conversation and Dispute, was sufficiently clear and explicit? The Gentleman's Answer was to this Effect, That some Members of the House were of Opinion, that the Agents would be at Liberty to pay such Troops, while others said that the Bill vested them with no such Power; but that when the Bill was Enacted into a Law, he should be for taking p. 70 Advice thereon. When I perceived that the Gentleman avoided giving a direct Answer to the Question I had asked him, I thought the only Way left for me to have the Matter cleared up, so that both the Agents and Myself might know the Sense of the House, was to send them a Message, which, with the Approbation of that Gentleman, I accordingly did in the following Words:

"Gentlemen, As I observe that the Word Frontier frequently occurs in the Bill, entituled, An Act for his Majesty's Service, and the more immediate Defence and Protection of the Frontier Inhabitants of this Province, which has been Framed by you this Session, and having received the Concurrence of the Upper House, now lies for my Assent; and as it has been a Question, what Part of the Province is to be understood by that Word, I must desire you to give me your Sense of the Word, and particularly what Part of Maryland you designed by it in the following Clause of the abovementioned Bill; And be it further Enacted, that the said Five Hundred Men, or so many of them as shall be at any Time in the Pay of this Province, except such Number as may be necessary to be left at Fort Frederick, shall be employed in Ranging about the Frontier thereof, for the Quiet and Protection of the Inhabitants.

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Provided always, and be it Enacted, That when, upon any Emergency, his Majesty's Commander in Chief, or Person properly authorized, shall judge it expedient to march any Part of the said Five Hundred Men from the Frontier of this Province, then and in such Case, so many of the aforesaid Men shall be left at Fort Frederick, under a proper Command, as the Governor or Commander in Chief of this Province, for the Time being, shall judge necessary for the more immediate Defence and Protection of the Frontier Inhabitants thereof."

This Message having been Read in the Lower House, it was, as appears by the Journal, thereupon ordered, that the following Address should be presented to me, by Way of Answer:

"It gives us the greatest Concern to find your second Message of this Afternoon, so unprecented, that we conceive we cannot, without departing from the established Mode of Proceeding, give any other Answer to it, than that it is Unparliamentary."

Which convinced me, that while I was studious to preserve a right Understanding with the Assembly, there were some at least in the Lower House, who considered more how a Foundation might be then laid for a Rupture at a future Session; nevertheless as I perceived they were determined not to come to any Explanation, I gave my Assent to the Bill, and the next Day issued Commissions for raising the additional Companies. Finding afterwards, that the Agents made some Difficulties about paying those of the Troops which were in Garrison at Fort Cumberland, I wrote to the Earl of Loudoun, and the King's Officer who then commanded in this Part of the Continent, desiring them to order some other Troops thither, to relieve Capt. Dagworthy's; but my Request was not complied with, and the Agents, on farther Consideration, thought it their Duty to issue Pay for that Garrison as long as they had Money in their Hands. Having on the 15th of October (1757) sent to the Lower House, which was then sitting, the following Message,

"Gentlemen, Finding by a Letter that I received this Morning from Capt. Dagworthy, that the Garrison of Fort Cumberland is in Want of Provisions, I advised the Agents thereof, and recommended it to them to order a Supply thither as soon as possible. In Answer to the Letter that I writ to those Gentlemen on this Occasion, they tell me, that as the Money which was appropriated by the Act of Assembly passed last Session, is entirely expended, it is not in their Power to make any farther Provision for the Troops in the Pay of this Province. The evil Consequences that must naturally follow the Troops being refused Provisions, are so obvious, that you cannot help perceiving them; and therefore I shall only desire you to take this Matter into immediate Consideration."

They, on the 19th, were pleased to send me this polite Answer:

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"May it please your Excellency, We cannot help expressing our Surprise, that you should recommend it to the Agents, to order a Supply of Provisions to a Garrison at Fort Cumberland. Had they in their Hands ever so much of the Money appropriated by the Act of Assembly passed last Session, they undoubtedly would not have laid out any of it in Supplies to a Garrison, stationed contrary to the plain Destination of all the Forces raised and to be supported by that Law. And if any evil Consequences have heretofore or may hereafter follow a Want of such Supplies, let those Answer for them who have, contrary to Law, been the Means of stationing Troops where they had no Authority to place them, and for Want of whose Service, on the Duty assigned them by Law, the Frontier Inhabitants of this Province have been exposed to the Incursions of their cruel and savage Enemies."

By Way of Reply to this Address, and to enforce my Message of the 15th, I, on the 21st, sent the House the following:

"Gentlemen, I know not how great your Surprize may be at my recommending it to the Agents to send a fresh Supply of Provisions to the Troops at Fort Cumberland; but I assure you mine would have been very great if they had urged any Thing but the Want of Money in Excuse for not having immediately complied with my Request. The Agents Accounts will, I suppose, shew you, that they have hitherto furnished those Troops with Provisions; and they will, I presume, if called upon, inform you that they have been well advised the Law made it their Duty to supply them so long as any of the Money, which was appropriated by the Act passed last Session, remained unexpended. I am sorry you should question the Earl of Loudoun's Authority to place in Fort Cumberland any of the Men that were raised here, in Consequence of his Requisition: I am satisfied that this Lordship was by his Majesty's Commission, as well as by our Act of Assembly, impowered to do so; and however it may become you, I do not think it was my Duty to declare, that they should not be employed in such a Manner as the Commander in Chief of all his Majesty's Forces in America though most conducive to his Majesty's Service. As it is notorious that while Numbers of People have been cut off in the Two Neighbouring Provinces, we have only lost Two or Three Persons at most, exclusive of Soldiers and their Attendants, and that our People owe their Preservation in great Measure to the Disposition that the Earl of Loudoun was pleased to make of our Forces, I am surprized at your saying that for Want of their Service, the Frontier Inhabitants have been exposed to the Incursions of their cruel and savage Enemies: But if you complain so grievously of the Earl of Loudoun's having orderde a Part of our Troops to Garrison a Fort within the Province, What Answer might his Lordship have expected, if, when

L. H. J. Liber No. 52 April 23 he gave Orders for some of the Troops that were raised in North-Carolina, Virginia, and Pennsylvania, to embark for South-Carolina, he had required us likewise to send a Company or Two thither? As I persuade myself, Gentlemen, that you would not choose to distinguish yourselves by obstructing the Measures, that the General whom his Majesty has intrusted with the Command of all his Forces in America thinks it for his Majesty's Service to pursue, I hope you will not oblige the Troops that are now at Fort Cumberland, to abandon it, with all it's Artillery and Stores, to his Majesty's Enemies: And as you alone will be answerable for the Consequences, I once more recommend it to you to make immediate Provision for the Support of that Garrison, as well as for the Support of the Troops that remain at Fort Frederick, and that are, agreeable to the Directions of our Act of Assembly, ordered to keep Ranging at a small Distance beyond the Frontier Settlements."

Lest this Message should fail of having the desired Effect, I thought it my Duty to send the Earl of Loudoun immediate Advice of what had passed, to inclose his Lordship the original Address, which the Lower House had presented to me the 19th of that Month, and to tell him that unless a Supply of Provisions was sent to Fort Cumberland, without Delay, the Garrison would be greatly distressed, and obliged, p. 72 perhaps, in a short Time, to abandon the Place for want of Food; and I desired his Lordship to give such provisional Orders as he should think proper, for the Preservation of that Fort, in Case the Lower House should come to such a final Resolution as their Address seemed to promise. The Earl of Loudoun being then at Albany, my Letter did not reach him before the 2d of November: The next Day he was pleased to return the following Answer:

"Sir, Last Night I had the Favour of yours of October the 21st, with an Account of the Proceedings of your Assembly, and a Copy of their Address to you: I must own the Restriction your Assembly endeavoured to lay on the Troops raised by your Province last Spring, surprized me, as it interfered with the King's undoubted Prerogative of Commanding all his Subjects in Arms, either by himself, or those he appoints under him. However the Troops were wise enough to obey his Majesty's Orders, given them by those who alone had Power to give them, and I was in Hopes the Gentlemen that compose the Assembly had reconsidered that Affair, and seen the Error of it; but your Letter, and their Address, have shewn me that I was mistaken, and yet I cannot help having that Charity for my Fellow-Subjects to believe that this Affair has not appeared to them in it's true Light; for I cannot think that the Assembly of Maryland ever intended to invade the King's undoubted Prerogative, nor can I possibly believe that they intend to throw the Frontier Garrisons of his Majesty's Dominions into the Enemies Hands, particularly when those Garrisons are in their own Province, and so essential to their own Protection, and yet this Measure is big with all those Consequences, both from it's own Nature, and still more so from the Season in which it is taken, the Account of it arriving to me late on the 2d of November, in the Back Country of the Province of New-York, by which Measures they not only refuse their Aid to the Common Cause, and desert the Interest and Security of their own Province, but by the Season they have this Resolution in, put it out of the Power of the King's Servants to remedy the End that the Execution of such a Measure cannot miss to have. From this Light of Things, which is the true one, I cannot doubt but your Assembly will immediately take such Resolutions as shall enable you to provide effectually for the Security of that important Post at Fort Cumberland, so as to prevent it's being abandoned, and put into the Enemy's Possession, which would be the Effect of such a Resolution. I must further remind you of the uninterrupted Orders that have been communicated to all the Governments in North-America, from his Majesty's Secretaries of State, from the Year 1754 to this Time, to be aiding and assisting to his Commander in Chief in North-America, in supplying Troops, &c. and in Consequence of his Majesty's Commands to me of applying to the different Provinces for such Aid as I see necessary for the Common Cause, I do demand from the Province of Maryland, that the 500 Men, furnished for the Common Cause, and employed by me this last Summer in the Defence of their Garrisons on their Frontiers, be continued in the Service this Winter, as absolutely necessary for the Defence of their own Province, and the Defence of his Majesty's Dominions. As to their disposing of the Troops in the Winter, I have the King's Commission to command all Men that are or shall be in Arms in North-America, I am on the Spot, and whilst the King does me the Honour to continue that Commission to me, I will execute it, and if any Officer or Soldier presumes to disobey my Orders, I will treat him as the Law directs. If my Business can possibly permit me, I will come immediately to Annapolis, where I do not doubt but you and I will be able to set Things in such a Light, as will be perfectly satisfactory to the Gentlemen of your Assembly, and to every other Man that has the Safety and Prosperity of Maryland, at Heart, and indeed of every Man that has at Heart the Prosperity and Safety of his Majesty's Subjects and Dominions in North-America. As the Business I am engaged in may put it out of my Power to make this Journey so soon as I could wish, I must beg that you will take every Measure to bring your Assembly to a right Understanding of this so essential a Point, both for themselves and his Majesty's Dominions in North-America, and that you will, from Time to Time, acquaint me by Express of what Resolutions are taken in this Affair."

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This Letter of his Lordship's I communicated to the Lower House the 18th of November, but they paid so little Regard to it, that in

L. H. J. Liber No. 52 April 23 the Supply Bill which they a few Days afterwards offered to the Upper House, it was expressly provided and directed, that the Troops then in the Pay of the Province should be forthwith reduced to 300 Men, and the Service of those 300 (not a Part of them only) p. 73 was restrained, as the printed Bill will evince, in such a Manner as to compel them to abandon the Post where his Lordship had stationed some of them, and in such a Manner as to deprive all the King's Officers of any Command over them. The Gentlemen of the Upper House having returned this Bill with a Negative, those who had framed it, desired me to transmit a Copy thereof to his Lordship, together with an Address, in order that he might be the better able to judge of their Proceedings, and Zeal to promote his Majesty's Service. On the Receipt of this Bill and Address, his Lordship wrote the Letter, which is quoted in your Address as an Evidence of his having conceived a good Opinion of the Zeal of that Lower House of Assembly to promote the Service of his Royal Master: How far the Letter will support what you suggest, let the Unprejudiced determine: I shall only repeat it:

New-York, December 30, 1757.

"Sir,

I had this Day the Favour of your Letter by Express, with the Bill prepared by the Lower House, and the Address from both Houses to you. As I had seen an Extract of the military Part of that Bill before, I am ready to give my Sentiments on it; and am clearly of Opinion, that had it passed into a Law of the Province, it would have been a direct Infringement of the King's undoubted Prerogative, and as such was very wisely rejected by the Upper House; at the same Time, I am willing to believe, that the Assembly had not considered it in that Light, or they would never have framed it in that Manner; nor had they considered that Right of the King of commanding his Subjects in Arms, which is a Right undisputed every where, or they would never have disputed the Power of his Commission, to have marched the Troops, raised by them for the Defence of his Domisions, even out of your Province, which I do not understand I have done with Regard to them, which was to Fort Cumberland, from the best Accounts I have been able to procure; but that does not come to be the Question; for if they will consider what has happened in almost all the other Provinces, they will find, they are single in the Opinion of the King's Power of Marching the Provincial Troops into other Provinces. At the Meeting at Philadelphia it was settled last Spring, that South-Carolina was in Danger of a more powerful Invasion from the Enemy than they were able alone to resist, therefore it was agreed, that it was necessary they should have an additional Force sent to their Assistance, composed partly of Regular Troops, and partly of Troops raised by the other Provinces, and 200 Men did accordingly sail from Virginia, and are

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now with them; and the Troops from North-Carolina were in Readiness to go, but were prevented by Letters from the Commanding Officer there, on the Arrival of a Regiment of 1000 Men from Europe, so that they did not then stand in Need of them; there is an Instance in Point in the very next Province, who were likewise to have made up their Quota of Troops to 400 Men, if they were found Necessary, for that Service in South-Carolina. But further to illustrate this Point, let them reflect, that the Provincial Troops in the more Northern Provinces, that is, those of New-Hampshire, Massachusetts-Bay, Rhode-Island, Connecticut, and the Jerseys, have for 3 Years last past been serving in the Province of New-York: There was an Attempt about 18 Months ago to have restrained Part of those Troops within certain Bounds, to serve particular Purposes, although they never thought of carrying that Point so far as to restrain them within their own Province, and the Moment that Intention appeared, the Ministry immediately interposed, and no such Measures have been attempted since. Although the Prerogative is undisputed every where, I have thought it necessary to mention these few Instances in their Neighbourhood, to shew them the Singularity both of their Opinion and Proceedings; the Consequence of which I foresaw, and mentioned in a former Letter, and warned them of in the Letter I had the Honour to write you of the Effects such a Measure would have, not only to throw open the Frontiers of their own Province, but to open a Door to the Enemy in the very Heart of his Majesty's Dominions in North-America: As this is the fair State of the Affair, I cannot Doubt that those Gentlemen, on considering coolly on the Affair, will, from their Care for the Preservation of the Lives and Properties of their Fellow-Subjects, from their Zeal for the Common Cause of all North-America, and their Duty to the King, propose such an Act as is not only agreeable to the Instructions, but agreeable to our happy Constitution of Government in the British Dominions, without attempting to make Alterations in it, at a Time when the Enemy are taking every Advantage that can be drawn from any little Jars that may happen in any of the Provinces of his Majesty's extensive Dominions on this Continent, which are therefore Things every Man, who is a real Lover of his Country, will to the utmost avoid. As to the p. 74 Dispute of what Province Fort Cumberland belongs to, 'tis a Thing I never heard disputed, but by all Men I have met with, was deemed to be in Maryland; but be that as it will, 'tis of no Consequence, nor has it any Thing to do in this Affair, nor had I the least Intention of loading Maryland, or easing any other Province, by sending the Provincial Troops of Maryland to it; and in my Orders at that Time, I shewed the greatest Attention to Maryland, in employing the Whole of the Troops raised by them in covering their Frontiers, and securing the Inlets into their Country, when I actually

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sent 200 of the Provincials of Virginia by Sea, at the Expence of that Province, to South-Carolina, and had 200 more of the Virginia Provincial Troops ready to be carried there, if that Service had not been provided for by the Arrival of a Regiment of One Thousand Men from Europe. I have shewed you above, that the King has the undisputed Right, that he has by his Commission put the Execution of it into my Hands, that Maryland alone have disputed the King's Right of Commanding his Subjects in Arms, altho' his Majesty's Servant in the Execution of that Trust, has had a particular Regard to the Ease and Security of the Province of Maryland. When I know Things really to stand on this Footing, and can have no Doubt that the Gentlemen that compose the Assembly of Maryland, mean, not only to protect the Province of Maryland, but to give every Aid to the Common Cause in their Power, I can have no Doubt that on a cool Reflection of the general Situation of the Affairs of this Country, the Duty they owe to the King and the Community (whatever Representations may have led them into the present Bill) they will immediately set those Things on a true Constitutional Footing, and enter heartily into the Common Cause for the Security of Maryland, and to give their utmost Assistance against the Common Enemy. I intended when I writ from Albany to have come directly to Annapolis, but some unexpected Business put it out of my Power at that Time, and now I cannot fix the Time I shall be with you.

"Hoping from your wise Management, and the People coming to see their own true Interest, that I shall very soon have better Accounts from you: I am, with sincere Regard, Sir,

"Your most obedient humble Servant,
"Loudoun."

Does it, Gentlemen, or does it not, appear from this Letter, that the Earl of Loudoun applauded the Conduct of the Upper House in rejecting the Bill, of which, at the Desire of the Lower House, I had sent him a Copy? If it does, I intimated no more nor less than the Truth, whatever Part of the Bill it was that induced his Lordship to commend them for returning it with a Negative. At the Time I sent him the Bill, I did not imagine he would Read any more of it than the military Part, as I told the Gentlemen of the Lower House in a Message dated the 6th of December, when they desired me to transmit the Bill to him; and from the Manner in which his Lordship expresses himself in the Beginning of his Letter, I am apt to believe he never thought of perusing more of it than that Part, nor do I see what good End it would have answered for him to have waded thro' that voluminous Composition; for tho' you are now pleased to signify to me, that the then Lower House expected his Lordship would peruse it, in order to see if there was any Thing impracticable in the Execution of the Plan for raising the Aids for the King, therein proposed, or unjust or unreasonable in the Means, or too sparing in the Sum offered, and that he would have signified his Opinion relative to such Matters, I am far from thinking that House would have thought his Lordship a competent Judge of the Propriety or Impropriety of all those Parts of the Bill, or if he had ventured to give his Opinion thereon, that they would have paid any regard to it, when they afterwards disregarded that of his Majesty's Attorney General, who had seen what had been urged by the Two Houses both for and against it; and I cannot help thinking you are too hasty in drawing from his Lordship's Silence, this Conclusion, That he did not think the Bill in any of these Respects liable to the least Objection: Could he indeed have then seen all that afterwards passed between the Two Houses thereupon, or on a Bill very similar to it, his Lordship might perhaps have been able to form some Judgment of the Propriety or Impropriety of the general Plan, and particular Parts of it; but it would surely have been a little unreasonable for the Lower House to expect his Lordship, without hearing or seeing what could be offered on both Sides, would undertake to determine concerning any besides the military Part of it, of which his Lordship probably thought himself as capable of judging, as the Gentlemen who had framed it. L. H. J. Liber No. 52 April 23

That Opinion of Mr. Pratt's, was, I apprehend, given on a Perusal of the Bill, and Messages that in 1758 passed between the Two Houses, which, as I conceived they contained a full and true State of the Dispute between them on the Bill, I therewith transmitted; and the Opinion I communicated to the Lower House undoubtedly shews that he was intimately acquainted with the several Points in Dispute between them; and being all that I received from England in Return, if I declined giving that House any Satisfaction they wanted, it was owing to my not having it in my Power to gratify their Wishes. I am indeed sensible, that the Opinions of Counsel are governed by the Manner in which the Facts they are founded on, are stated, and I perceive there is some Difference between those of the late Lord Chief Justice Willes, and his Majesty's late Attorney-General, with respect to the Nomination of Officers; but as the Lords of Trade, in their Report Two Years ago on some Laws passed in Pennsylvania, which Report met with the Concurrence of his Majesty's Council, have repeatedly declared their Sentiments concerning the Right of the Crown, and in that Government of the Proprietors to the Nomination of Officers, I am in Hopes that their Lordships Opinion will always have it's Weight with us, and that Right of the Proprietary be never again controverted in this Province. p. 75

As you were pleased, in Answer to my Speech at the Opening of the Session, wherein I avoided making any particular Application to the Lower House of the Reprehension contained in the Secretary

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of State's Letter, to suggest that for Want of an Agent appointed by that House alone to represent their Transactions in a true Light, our most gracious Sovereign and hsi Ministers, had not been fully and truly informed of the repeated generous Offers, which the People of this Province had heretofore made by their Representatives, to raise very large Supplies for his Majesty's Service, I could not help considering the Suggestion as a Reflection on myself, for had not the King's Ministers been informed of the several Votes of the Lower House for raising Supplies, and of their Proceedings in Consequence of such Votes, I should not have discharged my Duty: To vindicate myself therefore from the Blame which the latter Part of your Address seemed calculated to cast on me, I took the Liberty to reply to this Purport, That if the Journals of the House of Delegates, and the Bills offered by them to the Upper House, may be supposed to contain a true Representation of their Proceedings, I presumed there could not be any great Necessity for the Appointment of a Person at home, under the Denomination of an Agent, to acquaint his Majesty or his Ministers with the Transactions of the House of Delegates, or to inform them of the Offers that House had made to raise Supplies for his Service, since the Journals of that House had been transmitted for their Information, particularly the Journal containing the Messages that passed between the two Houses on the Subject of their new Supply Bill. But say you, in your last Address, "the great End of employing an Agent, is to represent and bring to a final Determination any Matters in Dispute with the Proprietary, by which the People may apprehend themselves aggrieved." Had you, Gentlemen, in your first Address, given such a Reason for the Lower House's desiring an Agent, I should not have considered it as any Reflection on me for having neglected my Duty, nor have taken Notice of it in the Manner I did, though I might not even then have seen the Expediency of such a Person's being appointed; for whatever some of you would insinuate, and endeavour to make other Persons believe, the Lord Proprietary is, in my Opinion, not much concerned in the Controversy which subsists between the House of Delegates (or rather a small Majority of that House) and the Gentlemen who constitute another Branch of this Legislature, on the Subject of a Supply Bill; and whether the Sums which have at Times been voted for his Majesty's Service, shall be raised by that particular Mode of Taxation, which those, who are fond of Innovations, seem intent on introducing and establishing in this Province, his Lordship, I am confident, is very far from being averse to contributing in Proportion with the Inhabitants of this Province towards Supplies for his Majesty's Service, though I don't suppose he would with, however zealous he might be to promote his Sovereign's Service, or desirous to advance the Reputation of Maryland, to have either Branch of the Legislature give their Assent to any

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Measure, which they should be of Opinion, would, in it's Consequences, tend to subvert the Constitution, or sacrifice one Part of the Inhabitants to the Caprice and Humour of the Rest. You will, I hope, Gentlemen, excuse the Liberty I take in just mentioning my p. 76 Opinion of this Matter, nor think it assuming in me either to judge for Myself, or to intimate my Sentiments; it would indeed, be a little hard, if I alone, in such a Government as this, where every Subject thinks he has a Right to speak his Sentiments on every Matter, should be debarred the Liberty of thinking and judging of the Expediency or Propriety of any Scheme whatever, or be more afraid to communicate my Thoughts, than if I was at Venice under Awe of their State Inquisitors. Happy in knowing by Experience, that the Commission I have the Honour to bear, was given me by one who wishes not to make any Encroachments on the Liberties or Privileges of others, and conscious of the Uprightness of my own Intentions, I can venture to appeal to my Conduct for my Justification: This being the Case, I can Read, without the least Emotion, those Parts of your Address, which Discontent and Disappointment seem to have dictated, nor shall I take any Notice of your ungenteel Language. If the Ministry have done nothing in Consequence of the Information I took the Liberty to give Mr. Pitt, when I intimated to him, that I was afraid no Supplies for the King's Service would be granted in this Province, unless his Majesty should be pleased to have the Dispute thoroughly examined into and finally settled, Can you, with the least Appearance of Justice, lay the Blame at my Door, or whether I am supposed to have concealed from his Majesty's Ministers the Transactions of the House of Delegates, or to have sent the Ministry a full Account of the Proceedings of that House, contained in their own Journals, will you, in either Case, take Offence at my Behaviour? If, for the Information of the Secretary of State, I had, with the Bill, transmitted that Message only, wherein the Gentlemen of the Upper House had particularized their Objections to it, I should indeed have acted disingenously, but in sending also the Answer of the Lower House to that Message, together with the Reply, I gave the fairest and fullest Information concerning the Dispute between the two Houses that it was possible for me to give, nor do I think you could have said his Majesty or his Ministers would have determined on an *ex parte* Representation, had the Determination been upon mature Consideration of the Bill and those Messages; unless it can be supposed that those who framed the Bill, would not, when they were justifying or defending it, say every Thing they could urge on Behalf of their favourite Offspring. But, you are pleased to ask, "Have they determined the Disputes? Has any Thing ever been laid before us, pointing out in Terms precise and explicit that Branch of the Legislature which is charged with Obstinacy in adhering to their former Conduct?" And pray,

L. H. J. Liber No. 52 April 23 Gentlemen, When did I aver that there has? You did indeed yourselves, by your first Address, put in for at least a Share of the Reprehension contained in the Secretary of State's Letter; for my Part I did no more than Caution you against the Measure which late Lower Houses had pursued, lest the not granting Supplies at this Time (whether through the Fault of the Upper or the Lower House, it was the same Thing) might be attended with fatal Consequences to the Province. But rather than engage any farther in a Dispute, which can answer no End to protract the Session, and increase the Public Debt, already exorbitant, I will admit, that the Words "Your Province will not obstinately persist" (in the Earl of Egremont's Letter) must refer to the Gentlemen of the Upper House alone, and that the Persistency of the Lower House in resolving again to offer a Bill, which the Upper had rejected eight or nine Times, without obviating the Objections the Upper House had made to it, is an Instance of the latter's Obstinacy. Nevertheless I cannot help thinking, that rather than bring on the Province or the Inhabitants in general, his Majesty's Displeasure, it would have been better for your House to have at this Time waved the Dispute, and offered a Bill on some or other of the various Plans, by which Money has been heretofore raised in this Province: At least such a Proceeding, would have manifested an earnest Desire on your Part to comply with his Majesty's Requisitions, and quite the contrary p. 77 on the Part of the Upper House, had they refused a Bill for granting Supplies to his Majesty, on a Plan which they had never objected to, when Money was thereby to be raised for other Purposes.

Hor.° Sharpe.

April 23, 1762.

[*Although the letters from Loudoun to Sharpe, quoted in full in the above message, have been previously printed in volumes IX and LV of the Archives, they are reprinted here, so as not to break the continuity of Sharpe's argument*]

The Report from the Committee to inspect the Public Offices, was Read the second Time, and the House Concurs therewith.

Benedict Calvert, Esq; from the Upper House, delivers to Mr. Speaker, a Bill, entituled, An Act for destroying Crows and Squirrels in Baltimore County; thus Indorsed, By the Upper House of Assembly, 23d April, 1762. Read the second Time, and will Pass.

Which was here Read, and Passed for Ingrossing.

The House adjourns till the Morrow Morning 9 of the Clock.

April 24 Saturday, April 24, 1762.

The House met according to Adjournment: The Members were called, and all appeared as Yesterday, except Mr. Hammond and Mr. Henry Hall. The Proceedings were Read.

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An Ingrossed Bill, entituled, An Act to prevent any future Loan of the Bills of Credit in the Paper Currency Office, &c.

An Ingrossed Bill, entituled, An Act for destroying of Crows and squirrels in Baltimore County;

Were sent to the Upper House, with the Paper Bill, by Mr. J. J. Mackall and Mr. Waring.

Col. Robert Jenckins Henry, from the Upper House, delivers to Mr. Speaker, the Journal of Accounts; thus Indorsed, By the Upper House of Assembly, 24th April, 1762. Read and will not be Assented to.

The following Message was sent to the Upper House by Mr. Gantt and Mr. Jacobs.

By the Lower House of Assembly, 24th April, 1762.

May it please your Honours,

This House has appointed Mr. Dulany, Dr. George Steuart, and Mr. Worthington, to join one Member of your House, to contract for Repairing the Public Buildings, and for taking a Sum of Money not exceeding Two Hundred Pounds, out of the Treasurer's Hands, for paying for the Repairs aforesaid.

Signed per Order, J. A. Thomas, Cl. Lo. Ho.

Richard Lee, Esq; from the Upper House, delivers to Mr. Speaker, the following Message:

By the Upper House of Assembly, 24th April, 1762.

Gentlemen,

This House hath appointed John Ridout, Esq; to join the Members named by you, for the Purposes in your Message of this Day by Mr. Gantt and Mr. Mackall.

Signed per Order, J. Ross, Cl. Lo. Ho.

Mr. Dulany brings in and delivers to Mr. Speaker, the following Report:

At a Committee of both Houses of Assembly, appointed to inspect the Office and Proceedings of the Commissioners or Trustees appointed for Emitting Bills of Credit, established by Act of Assembly, [*This report is printed in full in the Upper House journal pp. 46-55*]

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Which was Read the first and second Time, and thereupon Ordered, That Mr. Ringgold, Mr. Dulany, and Mr. Hayward, do prepare an Address, to be presented to his Excellency.

The House adjourns till 2 of the Clock.

Post Meridiem. The House met according to Adjournment.

Mr. Ringgold brings in and delivers to Mr. Speaker, an Address to his Excellency; which was Read, Approved, and Ordered to be Ingrossed.

L. H. J. Liber No. 52 April 24 Mr. Ringgold brings in and delivers to Mr. Speaker, the following Ingrossed Address:

To his Excellency Horatio Sharpe, Esq; Governor and Commander
in Chief in and over the Province of Maryland.
The humble Address of the House of Delegates.

May it please your Excellency,

By the Report of the Committee of both Houses of Assembly, appointed to inspect the Office and Proceedings of the Commissioners of the Loan-Office, it appears to this House, that many Officers appointed to collect the several Duties under the £6000 and the £40,000 Acts, have been very remiss in their Duty. For your Excellency's fuller Information of the particular Failures, we beg Leave to refer you to an Extract from the said Report hereto annexed, and to intreat your Excellency to direct the most effectual Measures to be taken, to enforce the speedy Payment of those Deficiencies.

p. 83 From a View of the abovementioned Extract, your Excellency will also observe, a very unequal Collection of the Excise in the different Counties; by which it must appear, that some of the Collectors have not been so diligent as they ought to have been; we must therefore beseech your Excellency to make Use of all the Means in your Power, to compel the Collectors to be more active for the future, and thereby prevent a general Loss to the Province, as well as a great Disproportion of Burthen on Individuals, from the strict Collection of the Excise in some Counties, and the extraordinary Negligence of the Collectors in others.

We must beg Leave further to refer your Excellency to the sundry Arrearages mentioned in the said Extract, which have been long due to this Province on Account of the Ordinary Licences, from former Sheriffs, several of whom are dead; and to request that your Excellency will direct the proper Steps to be speedily taken for the Recovery of those Sums of Money, which otherwise may, in all Probability, be for ever lost to the Country.

Which was Read and Assented to, and Signed, by Order of the House, by the Honourable Speaker.

Ordered, That Mr. James Tilghman and Mr. Earle do acquaint his Excellency, That this House hath prepared an Address, to be presented to him, and desires to know when and where he will be pleased to receive it. They return and acquaint Mr. Speaker, That the Governor signified he would receive it immediately in the Council Chamber.

Ordered, That Mr. Ringgold, with Five more, do present the Address to his Excellency.

Mr. Murdock brings in and delivers to Mr. Speaker the ingrossed Address to the King's most excellent Majesty

To the King's most Excellent Majesty.

L. H. J. Liber No. 52 April 24

The Humble Address to the House of Delegates of the Province of Maryland.

Most Gracious Sovereign

Sensibly affected at our loss in the Death of your royal Grandfather our late most excellent King, permit us by a sincere Condolence to express our Regard for his glorious Memory and to acknowledge the many great Blessings we enjoyed under his mild and auspicious Reign; The Safety and Protection We have experienced in common with our Sister Colonies, throughout the Course of the present War, particularly engage us to acknowledge with Gratitude his paternal Care, but admidst our sorrow at this afflicting event, We have the Consolation to reflect, that every Blessing We enjoyed under his Auspicious reign, will certainly be continued to us by your Majesty whose Accession to the throne, We beg leave to congratulate with the most unfeigned Joy, and the highest Satisfaction. And though it be our Misfortune to be thus in the Discharge of this Duty, We humbly intreat your Majesty to suspend every unfavorable Sentiment of the People of Maryland or their Representatives 'till the real Causes of it are laid open to your royal Consideration, when We are in no doubt of being found as sincere in our Affection for your Person, and as firm in our Attachment to your Government, as any of your Subjects. Permit us also at this Time, most gracious Sovereign, to offer our most sincere Congratulations on your marriage with an illustrious protestant Princess, endowed with every Virtue and Accomplishment necessary to compleat your own Domestick Happiness and the Welfare of your People, And to participate the general Joy which this happy Event has occasioned throughout your extensive Dominions; An event which affords us the pleasing Prospect that our Posterity will be subjects to your royal Offspring, and under them enjoy every Happiness which We experience under your wise benevolent and Patriot Government. Long may your Majesty continue to reign over a Happy and Grateful People, justly sensible of your royal Merits, and when it shall please the Almighty to call you to the p. 84 Rewards of a Life spent in attending to the Interests of Liberty Virtue and true Religion may your Majesty have the singular Happiness of reflecting that your Crown and Dominions will devolve upon a worthy successor of your own Illustious Issue; the effect of your present Happy Marriage in that Height of Glory and Reputation, in which they now stand.

Which was read and assented to and signed by Order of the House by the honble speaker.

Ordered, That Mr. Edward Tilghman, Mr. James Tilghman, Mr. Murdock, Mr. Robert Lloyd, Mr. Ringgold, and Mr. Hammond, do

L. H. J. Liber No. 52 April 24 transmit the Address to his Majesty, to Mr. Benjamin Franklin in London, to be by him presented to his Majesty.

Ordered, That Dr. Steuart and Mr. Edmondson do acquaint his Excellency the Governor, That no Public Business lies before this House to transact.

Richard Lee, Esq; from the Upper House, delivers to Mr. Speaker, the following Message:

By the Upper House of Assembly, 24th April, 1762.

p. 84 Gentlemen,

Your Message of the Sixteenth Instant is of so extraordinary a Nature, both in Language and Sentiment, [*This lengthy message beginning thus is printed in full in the Upper House journal, pp. 56-64*]

p. 90 Which was Read, and Ordered to lie on the Table.

Samuel Chamberlaine, and Edward Lloyd, Esquires, from the Upper House, acquaint Mr. Speaker, That the Governor requires the Attendance of this House immediately in the Upper House.

Mr. Speaker left the Chair, and (with the Rest of the Members of the Lower House) went to the Upper House, and there presented to his Excellency the Governor,

An Ingrossed Bill, entituled, An Act continuing an Act, entituled, An Act to exempt Persons, appearing at Musters, from Arrests in Civil Cases.

An Ingrossed Bill, entituled, An Act continuing an Act, entituled, An Act to prevent certain Evils and Inconveniencies attending the Sale of strong Liquors, and running of Horse-Races, near the yearly Meetings of the People called Quakers; and to prevent the tumultuous Concourse of Negroes and other Slaves during the said Meetings; and also one other Act, entituled, An Act to amend and explain an Act, entituled, An Act to prevent certain Evils and Inconveniencies attending the Sale of strong Liquors, and running of Horse-Races, near the yearly Meetings of the People called Quakers; and to prevent the tumultuous Concourse of Negroes and other Slaves during the said Meetings.

An Ingrossed Bill entituled, An Act continuing an Act, entituled, An Act for Punishment of Horse-Stealers, and other Offenders.

An Ingrossed Bill, entituled, An Act continuing an Act, entituled, An Act for the more effectual Punishment of certain Offenders, and for taking from them the Benefit of Clergy.

An Ingrossed Bill, entituled, An Act continuing an Act, entituled, An additional and explanatory Act to the Act, entituled, An Act impowering the Commissioners of the County Courts to levy and raise Tobacco, to defray the necessary Charges of their Counties and Parishes.

An Ingrossed Bill, entituled, An Act continuing an Act, entituled, An Act relating to Guardians and Orphans.

An Ingrossed Bill, entituled, An Act continuing an Act, entituled, An Act for destroying Wolves in Frederick County. L. H. J. Liber No. 52 April 24

An Ingrossed Bill, entituled, An Act continuing an Act, entituled, An additional supplementary Act to the Act, entituled, An Act relating to Servants and Slaves.

An Ingrossed Bill, entituled, An Act continuing an Act, entituled, An Act for the more effectual Punishment of Negroes and other Slaves; and for taking away the Benefit of Clergy from certain Offenders; and a Supplementary Act to an Act, entituled, An Act to prevent the tumultuous Meeting, and other Irregularities, of Negroes and other Slaves, and directing the Manner of trying Slaves.

An Ingrossed Bill, entituled, An Act continuing an Act, entituled, An Act to make the Testimony of Convicted Persons legal against Convicted Persons.

An Ingrossed Bill, entituled, An Act continuing an Act, entituled, A Supplementary Act to an Act, entituled, An Act laying an Imposition on Negroes, and several Sorts of Liquors, imported; and also on Irish Servants, to prevent the Importing too great a Number of Irish Papists into this Province.

An Ingrossed Bill, entituled, An Act continuing an Act, entituled, An Act to enable the several and respective County Clerks within this Province, to remove some of the County Records and Papers from the Public Offices.

An Ingrossed Bill, entituled, An Act continuing an Act, entituled, An Act for destroying Crows and Squirrels in particular Counties.

An Ingrossed Bill, entituled, An Act to enable James Hollyday, legal Representative of James Hollyday, Esq; deceased, late Treasurer of the Eastern Shore, to draw Bills for the Money therein mentioned.

An Ingrossed Bill, entituled, An Act to impower the Justices of Somerset and Worcester Counties to levy on the taxable Inhabitants of Coventry Parish, partly in Somerset and Worcester Counties, the Quantity of 62,400 lbs. of Tobacco, for the Uses therein mentioned. p. 91

An Ingrossed Bill, entituled, An Act continuing an Act, entituled, An Act for Repairing the public Roads in this Province, and the Supplementary Act thereto.

An Ingrossed Bill, entituled, An Act continuing an Act, entituled, An Act for the more effectual destroying of Squirrels and Crows in the Counties of Kent, Queen-Anne's and Talbot, and for destroying Red Foxes in the said Counties.

An Ingrossed Bill, entituled, An Act continuing an Act, entituled, An Act for the Relief of such Persons as cannot find Surety for their Appearance, to testify as a Witness against any Person arrested, accused or prosecuted, for any Criminal Matter.

L. H. J.
Liber No. 52
April 24

An Ingrossed Bill, entituled, An Act for Erecting a Public Warehouse at Vienna-Town, in Dorchester County.

An Ingrossed Bill, entituled, An Act to change the Name of Zaccheus Barrett, to that of Onion.

An Ingrossed Bill, entituled, An Act impowering the Justices of Charles County, to levy on the taxable Inhabitants of Port-Tobacco Parish, in the said County, a Quantity of Tobacco for the Uses therein mentioned.

An Ingrossed Bill, entituled, An Act to remedy an Omission in the Testament and last Will of Henry Woodward, deceased.

An Ingrossed Bill, entituled, An Act for the speedy and effectual Publication of the Laws of this Province, and for the Encouragement of Jonas Green, of the City of Annapolis, Printer.

An Ingrossed Bill, entituled, An Act impowering the Justices of Baltimore County Court, to assess and levy a Sum of Current Money, and for other Purposes therein mentioned.

An Ingrossed Bill, entituled, An Act to impower Mary Stansbury, Widow and Administratrix, with the Will annexed, of Tobias Stansbury, late of Baltimore County, to sell the Lands therein mentioned, for the Payment of the Debts of the said Tobias Stansbury.

An Ingrossed Bill, entituled, An Act for building a Church in St. James's Parish in Anne-Arundel County.

An Ingrossed Bill, entituled, An Act for the Naturalization of Colonel Henry Bouquet and Frederick Victor.

An Ingrossed Bill, entituled, An Act to impower William Clajon, and Mary his Wife, Administratrix of Camaliel Butler, late of the City of Annapolis, to sell a Lot of Ground and Three Dwelling Houses, for the Payment of the Debts of the said Gamaliel Butler.

An Ingrossed Bill, entituled, An Act to augment the Salaries of the Inspectors at Elk-Ridge Landing Warehouse, in Anne-Arundel County, and Emerson's Warehouse in Talbot County, and for other Purposes therein mentioned.

An Ingrossed Bill, entituled, An Act for the Continuance of Causes standing for Trial in the Provincial Court.

An Ingrossed Bill, entituled, An Act to establish a Market, at the Market-House in Chester-Town, in Kent County, and for the Regulation of the said Market.

An Ingrossed Bill, entituled, An Act to prevent any future Loan of the Bills of Credi tnow in the Paper Currency Office, and to ease the Inhabitants of this Province in the Payment of certain Taxes.

An Ingrossed Bill, entituled, An Act for destroying Crows and Squirrels in Baltimore County.

All which his Excellency the Governor Passed into Laws, and made the following Speech: L. H. J. Liber No. 36 April 24

Gentlemen of the Upper and Lower Houses of Assembly,

I have thought fit, with the Advice of his Lordship's Council of State, to Prorogue this Assembly to Monday the 13th Day of September next; and you are to take Notice, you are Prorogued to that Day accordingly. p. 92

So endeth this Session of Assembly, this Twenty-fourth Day of April, One Thousand Seven Hundred and Sixty-two.

Testis. J. A. Thomas, Cl. Lo. Ho.

ACTS OF THE ASSEMBLY PASSED MARCH–APRIL 1762

[EDITOR'S NOTE.—*The recording clerk has been guilty of a confusing error in designating both the first and second acts as "No. 1", thus also numbering incorrectly all the acts which follow. This same error has been made in the case of the acts for both the years 1762 and 1763. The editor has allowed the clerk's incorrect numeration in Arabic figures to remain, but has added in bracketed italicized Roman figures the correct numbers of the acts. The matter is further discussed on page lxxviii.*]

Liber H. S. No. 1 p. 398

At a Session of Assembly begun and held at the City of Annapolis on Wednesday the Seventeenth Day of March in the Eleventh Year of the Dominion of the Right Honourable Frederick, Absolute Lord and Proprietary of the Provinces of Maryland and Avalon, and so forth Anno Domini 1762 and ending the twenty-fourth Day of April following.

The following Laws were enacted and assented to by His Excellency Horatio Sharpe Esquire Governor.

No. 1 [*No. I*]

An Act for the Adjournment and Continuance of Prince-George's and Queen-Anne's County Courts.

[Preamble.]

Whereas some of the Attorneys practicing the Law in the same Courts, are Members of the Assembly, and obliged to attend their Duty therein;

[Adjournment of March Court to June, Counties.]

Be it therefore Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That all Causes, Pleas, Process and Proceedings, either Civil or Criminal, now depending in, or returnable to, the said County Courts, to be held the Fourth Tuesday of March, in this present Year, shall be, and are, by Virtue of this Act, adjourned and continued from the said Fourth Tuesday of March, until the Fourth Tuesday of June next, and shall be in the same Plight and Condition, as they would be on the Fourth Tuesday of March; any Law, Usage, or Custom, to the contrary, notwithstanding.

And whereas many Persons, who are Plaintiffs in Actions now depending in the said Courts, and which would be determined at the said Fourth Tuesday of March, if the said Courts were to sit and proceed to Business, may be indigent and necessitous, and may greatly, if not wholly, depend on the Sums of Money or Tobacco for which they have commenced and prosecuted such Actions, for supplying their Necessities, Payment of their Debts, or carrying on the Business of their Professions;

[Time of issuing Executions.]

Be it Enacted, That on all Judgments which shall be had and recovered at June Court next, in Actions which are continued by this Act, and which by Law could not continue longer than the said Fourth Tuesday in March, it shall and may be lawful at any Time before the Tenth Day of August next, to issue Executions, to satisfy the Debts, Damages and Costs, therein mentioned; which said Executions shall stand in the same Condition, and be equally available to the Person or Persons suing out the same, as if the same had been sued out before the Tenth Day of May; any Thing in any other Laws of this Province for Staying Execution after the Tenth Day of May yearly, to the contrary thereof, notwithstanding. Liber H. S. No. 1

By the Lower House of Assembly March 22d 1762. Read and assented to Signed ꝑ order J. A. Thomas Cl lo ho	On behalf of the Right Honble the Lord Prop.ry of this Province I will this be a Law Horo Sharpe	By the Upper House of Assembly 22d March 1762. Read and assented to Signed ꝑ order JRoss Cl Up Ho

The Great Seal in Wax appt

No. 1 [Sic] An Act continuing an Act, entituled, An Act to exempt Persons, appearing at Musters, from Arrests in Civil Cases.

[*No. II*] Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That an Act of Assembly of this Province, entituled, An Act to exempt Persons appearing at Musters, from Arrests in Civil Cases, made at a Session of Assembly, begun and held at the City of Annapolis the Tenth Day of May, Anno Domini Seventeen Hundred and Forty-eight, be, and is hereby continued, and shall remain and be in full Force, for and during the Term of Three Years next ensuing, and to the End of the next Session of Assembly which shall happen after the End of the said Three Years. [An Act continued.] p. 399

By the Lower House of Assembly 16th April 1762. Read and assented to Signed ꝑ order J. A. Thomas Cl lo ho	On behalf of the Right Honourable the Lord Proprietary of this Province I will this be a Law Horo Sharpe	12th April 1762 Read and Assented to by the Upper House of Assembly Signed ꝑ order JRoss Cl Up Ho

The Great Seal in Wax appt

No. 2 [*No. III*] An Act continuing an Act, entituled, An Act to prevent certain Evils and Inconveniencies attending the Sale of strong Liquors, and running Horse-Races, near the yearly Meetings of the People called Quakers; and to prevent the tumultuous Concourse of Negroes and other Slaves, during the said Meetings; and also one other Act, entituled, An Act to amend and explain an Act, entituled, An Act to prevent certain Evils and Inconveniencies attending the Sale of strong Liquors, and running of Horse-

Liber H. S. No. 1 Races, near the yearly Meetings of the People called Quakers; and to prevent the tumultuous Concourse of Negroes and other Slaves during the said Meetings.

[Two Acts continued.] Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That one Act of Assembly of this Province, entituled, An Act to prevent certain Evils and Inconveniencies attending the Sale of strong Liquors, and running of Horse-Races, near the yearly Meetings of the People called Quakers, and to prevent the tumultuous Concourse of Negroes and other Slaves during the said Meetings, made at a Session of Assembly, begun and held at the City of Annapolis the Sixteenth Day of May, One Thousand Seven Hundred and Forty-seven; and also one other Act of Assembly of this Province, entituled, An Act to amend and explain an Act, entituled, An Act to prevent certain Evils and Inconveniencies attending the Sale of strong Liquors, and running of Horse-Races, near the yearly Meetings of the People called Quakers, and to prevent the tumultuous Concourse of Negroes and other Slaves during the said Meetings, made at a Session of Assembly, begun and held at the City of Annapolis the Third Day of June, One Thousand Seven Hundred and Fifty-two, be, and are hereby continued, p. 400 and shall remain and be in full Force, for and during the Term of Three Years next ensuing, and to the End of the next Session of Assembly which shall happen after the End of the said Three Years.

By the Lower House of Assembly 16th April 1762. Read and Assented to	On behalf of the Right Hoñble the Lord Proprietary of this Province I will this be a Law	12 April 1762 Read and Assented to by the Upper House of Assembly
Signed ꝑ order J. A. Thomas Cl lo ho	Hor^{o} Sharpe	Signed ꝑ order J Ross Cl Up Ho

The Great Seal in Wax app^{t}

No. 3 [*No. IV*] An Act continuing an Act, entituled, An Act for Punishment of Horse-Stealers, and other Offenders.

[An Act continued.] Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That an Act of Assembly of this Province, entituled, An Act for Punishment of Horse-Stealers, and other Offenders, made at a Session of Assembly, begun and held at the City of Annapolis the First Day of May, Anno Domini One Thousand Seven Hundred and Forty Four, be, and is hereby continued, and shall remain and be in full Force, for and during the Term of Three

Years next ensuing, and to the End of the next Session of Assembly which shall happen after the End of the said Three Years. Liber H. S. No. 1

By the Lower House of Assembly 16th April 1762. Read and assented to
Signed ꝑ order
J. A. Thomas Cl lo ho

On behalf of the Right Honourable the Lord Proprietary of this Province I will this be a Law
Hor^{o} Sharpe

12 April 1762
Read and assented to by the Upper House of Assembly
Signed ꝑ order
JRoss Cl Up Ho

The Great Seal in Wax app^{t}

No. 4 [*No. V*] An Act continuing an Act, entituled, An Act for the more essential Punishment of certain Offenders, and for taking from them the Benefit of Clergy.

Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That an Act of Assembly of this Province, entituled, An Act for the more effectual Punishment of certain Offenders, and for taking from them the Benefit of Clergy, made at a Session of Assembly, begun and held at the City of Annapolis the Twenty-sixth Day of April, Seventeen Hundred and Thirty Seven, be, and is hereby continued, and shall remain and be in full Force, for and during the Term of Three Years next ensuing, and to the End of the next Session of Assembly which shall happen after the End of the said Three Years. [An Act continued.]

By the Lower House of Assembly 16th April 1762. Read and assented to
Signed ꝑ order
J. A. Thomas Cl lo ho

On behalf of the Right Honourable the Lord Proprietary of this Province I will this be a Law
Hor^{o} Sharpe

12 April 1762
Read and assented to by the Upper House of Assembly
Signed ꝑ order
JRoss Cl Up Ho

The Great Seal in Wax app^{t}

No. 5 [*No. VI*] An Act continuing an Act, entituled, An additional and explanatory Act to the Act, entituled, An Act impowering the Commissioners of the County Courts to levy and raise Tobacco, to defray the necessary Charges of their Counties and Parishes. p. 401

Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That an Act of Assembly of this Province, entituled, An additional and explanatory Act to the Act, entituled, An Act impowering the Commissioners of the County Courts to levy and raise Tobacco, to defray the necessary Charges of their Counties and Parishes, made at a Session of Assembly, begun and held at the [An Act continued.]

Liber H. S. No. 1 City of Annapolis the Tenth Day of May, One Thousand Seven Hundred and Forty-eight, be, and is hereby continued, and shall remain and be in full Force, for and during the Term of Three Years next ensuing, and to the End of the next Session of Assembly which shall happen after the End of the said Three Years.

By the Lower House of Assembly 16th April 1762. Read and assented to
Signed ꝑ order
J. A. Thomas Cl lo ho

On behalf of the Right Honourable the Lord Proprietary of this Province I will this be a Law
Horo Sharpe

12 April 1762
Read and assented to by the Upper House of Assembly
Signed ꝑ order
JRoss Cl Up Ho

The Great Seal
in Wax appt

No. 6 [*No. VII*] An Act continuing an Act, entituled, An Act relating to Guardians and Orphans.

[An Act continued.] Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That an Act of Assembly of this Province, entituled, An Act relating to Guardians and Orphans, made at a Session of Assembly, begun and held at the City of Annapolis the Twenty-eighth Day of March, One Thousand Seven Hundred and Fifty-eight, be, and is hereby continued, and shall remain and be in full Force, and during the Term of Three Years next ensuing, and to the End of the next Session of Assembly which shall happen after the End of the said Three Years.

By the Lower House of Assembly 16th April 1762. Read and assented to
Signed ꝑ order
J. A. Thomas Cl lo ho

On behalf of the Right Honourable the Lord Proprietary of this Province I will this be a Law
Horo Sharpe

12 April 1762
Read and Assented to by the Upper House of Assembly
Signed ꝑ order
JRoss Cl Up Ho

The Great Seal
in Wax appt

No. 7 [*No. VIII*] An Act continuing an Act, entituled, An Act for destroying Wolves in Frederick County.

p. 402 [An Act continued.] Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That an Act of Assembly of this Province, entituled, An Act for destroying Wolves in Frederick County, made at a Session of Assembly, begun and held at the City of Annapolis the Fifteenth Day of May, Seventeen Hundred and Fifty-one, be, and is hereby continued, and shall remain and be in full Force, for and during the Term of Six Years next ensuing, and to the End of the next Session of Assembly which shall happen after the End of the said Six Years. Liber H. S. No. 1

By the Lower House of Assembly 16th April 1762. Read and assented to
Signed ꝑ order
J. A. Thomas Cl lo ho

On behalf of the Right Honourable the Lord Proprietary of this Province I will this be a Law
Hor^{o} Sharpe

12 April 1762
Read and Assented to by the Upper House of Assembly
Signed ꝑ order
JRoss Cl Up Ho

The Great Seal
in Wax app^{t}

No. 8 An Act continuing an Act, entituled, An additional supplementary Act to the Act, entituled, An Act relating to Servants and Slaves. [An Act continued.]
[*No. IX*]

Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That an Act of Assembly of this Province, entituled, An additional supplementary Act to the Act, entituled, An Act relating to Servants and Slaves, made at a Session of Assembly, begun and held at the City of Annapolis the Tenth Day of May, One Thousand Seven Hundred and Forty-eight, be, and is hereby continued, and shall remain and be in full Force, for and during the Term of Three Years next ensuing, and to the End of the next Session of Assembly which shall happen after the End of the said Three Years.

By the Lower House of Assembly 16th April 1762. Read and assented to
Signed ꝑ order
J. A. Thomas Cl lo ho

On behalf of the Right Honourable the Lord Proprietary of this Province I will this be a Law
Hor^{o} Sharpe

12 April 1762
Read and Assented to by the Upper House of Assembly
Signed ꝑ order
JRoss Cl Up Ho

The Great Seal
in Wax app^{t}

No. 9 An Act continuing an Act, entituled, An Act for the more effectual Punishment of Negroes and other Slaves; and for taking away the Benefit of Clergy from certain Offenders; and a Supplementary Act to an Act, entituled, An Act to prevent the tumultuous Meeting, and other Irregularities, of Negroes and other Slaves, and directing the Manner of trying Slaves. p. 403
[*No. X*]

Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That an Act of Assembly of this Province, entituled, An Act for the more effectual Punishment of Negroes and other Slaves; and for taking away the Benefit of Clergy from certain Offenders; and a Supplementary Act to an Act, entituled, An Act to prevent the tumultuous Meeting, and other Irregularities, of Negroes and other Slaves and directing the Manner of trying Slaves, [An Act continued.]

Liber H. S. No. 1 made at a Session of Assembly, begun and held at the City of Annapolis the Fifteenth Day of May, One Thousand Seven Hundred and Fifty-one be, and is hereby continued, and shall remain and be in full Force, for and during the Term of Three Years next ensuing, and to the End of the next Session of Assembly which shall happen after the End of the said Three Years.

By the Lower House of Assembly 16th April 1762. Read and assented to Signed ꝑ order J. A. Thomas Cl lo ho	On behalf of the Right Honourable the Lord Proprietary of this Province I will this be a Law Horo Sharpe	12 April 1762 Read and Assented to by the Upper House of Assembly Signed ꝑ order JRoss Cl Up Ho

The Great Seal in Wax appt

No. 10 [*No. XI*] An Act continuing an Act, entituled, An Act to make the Testimony of Convicted Persons legal against Convicted Persons.

[An Act continued.] Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That an Act of Assembly of this Province, entituled, An Act to make the Testimony of Convicted Persons legal against Convicted Persons, made at a Session of Assembly, begun and held at the City of Annapolis the Fifteenth Day of May, Anno Domini One Thousand Seven Hundred and Fifty One, be, and is hereby continued, and shall remain and be in full Force for and during the Term of Three Years next ensuing, and to the End of the next Session of Assembly which shall happen after the End of the said Three Years.

By the Lower House of Assembly 16.th April 1762 Read and assented to Signed ꝑ order J. A. Thomas Cl lo ho	On behalf of the Right Honourable the Lord Proprietary of this Province I will this be a Law. Horo Sharpe	12 April 1762 Read and Assented to by the Upper House of Assembly Signed ꝑ order JRoss Cl Up Ho

The Great Seal in Wax appt

No. 11 [*No. XII*] p. 404 An Act continuing an Act, entituled, A Supplementary Act to an Act, entituled, An Act laying an Imposition on Negroes, and several Sorts of Liquors imported; and also on Irish Servants, to prevent the importing too great a Number of Irish Papists into this Province.

[An Act continued.] Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That an Act of Assembly of this Province, entituled, A Supplementary Act to an Act, entituled, An Act laying an Imposition on Negroes, and several Sorts of Liquors imported; and also on Irish Servants, to prevent the importing too great a Number of Irish Papists into this Province, made at a Session of Assembly, begun and held at the City of Annapolis the Twentieth Day of March, Anno Domini One Thousand Seven Hundred and Thirty-four, be, and is hereby continued, and shall remain and be in full Force, for and during the Term of Three Years next ensuing, and to the End of the next Session of Assembly which shall happen after the End of the said Three Years. Liber H. S. No. 1

By the Lower House of Assembly 16.th April 1762 Read and assented to
Signed ꝑ order
J. A. Thomas Cl lo ho

On behalf of the Right Honourable the Lord Proprietary of this Province I will this be a Law.
Horo Sharpe

12 April 1762
Read and Assented to by the Upper House of Assembly
Signed ꝑ order
JRoss Cl Up Ho

The Great Seal
in Wax appt

No. 12 [*No. XIII*] An Act continuing an Act, entituled, An Act to enable the several and respective County Clerks, within this Province, to remove some of the County Records and Papers from the Public Offices.

[An Act continued.] Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That an Act of Assembly of this Province, entituled, An Act to enable the several and respective County Clerks, within this Province, to remove some of the County Records and Papers from the Public Offices, made at a Session of Assembly, begun and held at the City of Annapolis the Tenth Day of May, One Thousand Seven Hundred and Forty-eight, be, and is hereby continued, and shall remain and be in full Force, for and during the Term of Three Years next ensuing, and to the End of the next Session of Assembly which shall happen after the End of the said Three Years.

By the Lower House of Assembly 16.th April 1762 Read and assented to
Signed ꝑ order
J. A. Thomas Cl lo ho

On behalf of the Right Honourable the Lord Proprietary of this Province I will this be a Law.
Horo Sharpe

12 April 1762
Read and Assented to by the Upper House of Assembly
Signed ꝑ order
JRoss Cl Up Ho

The Great Seal
in Wax appt

No. 13 [*No. XIV*] An Act continuing an Act, entituled, An Act for destroying of Crows and Squirrels in particular Counties. p. 405

[An Act continued.] Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, Liber H. S. No. 1 and the Upper and Lower Houses of Assembly, and the Authority of the same, That an Act of Assembly of this Province, entituled, An Act for destroying of Crows and Squirrels in particular Counties, made at a Session of Assembly, begun and held at the City of Annapolis the Twenty-second Day of November, Anno Domini One Thousand Seven Hundred and Fifty-eight, be, and is hereby continued, and shall remain and be in full Force, for and during the Term of Three Years, and to the End of the next Session of Assembly which shall happen after the End of the said Three Years.

By the Lower House of Assembly 17th April 1762. Read and assented to	On behalf of the Right Honourable the Lord prietary of this Province I will this be a Law	By the Upper House of Assembly 17 April 1762. Read and assented to
Signed ℘ order J. A. Thomas Cl lo ho	Hor^o Sharpe	Signed ℘ order JRoss Cl Up Ho

The Great Seal
in Wax appt

No. 14 [*No. XV*] An Act to enable James Hollyday, legal Representative of James Hollyday, Esquire, deceased. late Treasurer of the Eastern Shore, to draw Bills for the Money therein mentioned.

[Preamble.] Whereas the said James Hollyday, by his humble Petition to this General Assembly, hath set forth, That the said late Treasurer remitted the Sterling Duties received by him for purchasing Arms and Ammunition, and for supporting County Schools, to William Hunt, Merchant in London, by Order of the General Assembly, and that at the Time of the Death of the said late Treasurer there was remaining in the Hands of the said William Hunt, of the said Duties, a Ballance of Two Hundred and Sixty Pounds, Nine Shillings, and One Penny, Sterling, out of which Ballance the said William Hunt paid, as the Petitioner believes, the Sum of Fifty Pounds, Three Shillings, and Ten Pence Half-penny, Sterling, to the Visitors of Anne-Arundel County School, after the Decease of the said late Treasurer, on the Draught of his Executrix, Mrs. Sarah Hollyday, but hath since refused to pay the Petitioner's Draught for Forty-seven Pounds, Three Shillings, and Three Pence Half-penny, on the Order of the Visitors of Dorchester County School, to Hall Caille, apprehending that the Petitioner had no Right to draw for the Money remitted to him the said William Hunt, by the said late Treasurer, by Reason whereof the Bills to Hall Caille were protested, and were afterwards paid, for the Honour of the Petitioner, by his Correspondent in London. And whereas it appears to this General Assembly, that the Facts set forth in the said Petition, are true, and that the said James Hollyday, the Petitioner, is Executor of the said Mrs. Sarah p. 406 Hollyday, who was Executrix of the said James Hollyday, Esquire, late Treasurer of the Eastern Shore, and as such is chargeable to the Public, and to the County Schools respectively, for the Money

Liber H. S. No. 1

as aforesaid remitted to and now remaining in the Hands of the said William Hunt, and the said Petitioner hath therefore prayed Relief in the Premisses:

[Mr. Hollyday to draw Bills, &c.]

Be it therefore Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That it shall and may be lawful to and for the said James Hollyday, the Petitioner, and he is hereby impowered to draw Bills on the said William Hunt, Merchant in London, for the said Money remaining in the Hands of the said William Hunt, whose Draughts for the same the said William Hunt is hereby authorized and impowered to pay. Provided nevertheless, That the said Residue of the said Money, not yet accounted for, shall remain subject to the like Application, Order and Controul, as the same was originally subject to in the Hands of the aforesaid James Hollyday, Esquire, the late Treasurer.

[To account with the General Assembly.]

And be it further Enacted, That the said James Hollyday, the Petitioner, shall, from Time to Time, render to the General Assembly of this Province, an Account of the Money which he shall draw for in Virtue of this Act, for their Approbation and Allowance. Provided always, and it is the true Intent and Meaning of this Act, that the Securities given by the said James Hollyday, Esquire, the late Treasurer, shall be and are hereby declared to be and stand always liable to the Country for the due Performance, by the said James Hollyday, the Petitioner, of all the Matters of him required by this Act to be done, as they would have been for the Conduct of the said James Hollyday, Esquire, the late Treasurer, had he been still living; any Thing in this Act, or in any other Law or Statute, to the contrary, in any wise, notwithstanding.

By the Lower House of Assembly 17th April 1762. Read and assented to Signed ꝑ order J. A. Thomas Cl lo ho	On behalf of the Right Honourable the Lord prietary of this Province I will this be a Law Hor^{o} Sharpe	By the Upper House of Assembly 17 April 1762. Read and assented to Signed ꝑ order JRoss Cl Up Ho

The Great Seal in Wax app^{t}

No. 15 [*No. XVI*] An Act to impower the Justices of Somerset and Worcester Counties, to Levy on the Taxable Inhabitants of Coventry Parish, partly in Somerset and Worcester Counties, the Quantity of Sixty-two Thousand Four Hundred Pounds of Tobacco, for the Uses therein mentioned.

[Preamble.]

Whereas the Rector, Vestry-men, and Church-wardens, of Coventry Parish, lying partly in Somerset and Worcester Counties, have, by their humble Petition to this General Assembly, set forth, That their Chapel of Ease in Annimassex is so decayed, that it is dangerous to attend Divine Service therein, and that their Chapel of Ease on Dividing Creek in Worcester County, is too small, to accommodate the Parishioners in a decent Manner, and that it was necessary to purchase, for the Use of the said Parish, a Quantity of Land not p. 407 exceeding Two Acres, lying between the Head of Coulbourn's Creek and Annimassex Dams, in the said Parish, and to Erect and Build a Chapel thereon, and to enlarge the Chapel of Ease in the said Parish on Dividing Creek in Worcester County; and have humbly prayed that an Act may pass, that Sixty-two Thousand Four Hundred Pounds of Tobacco may be levied upon the Taxable Persons of the said Parish, for these Purposes, by Three equal Assessments:

[Vestry to purchase two Acres of Land, whereon to build a Chapel.]

Be it therefore Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That the Vestry and Church-wardens of Coventry Parish aforesaid, which lies partly in Somerset and Worcester Counties aforesaid, for the Time being, or the major Part of them, be and are hereby authorized, impowered, and required, to purchase in Fee, in the Name of the Rector, Vestry-men, and Church-wardens, of the said Parish, for the Time being, Two Acres of Land, lying in Somerset County, in the Parish aforesaid, at some Place between the Head of Coulbourn's Creek and Annimassex Dams, and to treat and agree with such Person or Persons as they, or the major Part of them, shall think proper to employ, to Build a Chapel of Ease thereon, for the Use of the Inhabitants of the said Parish; which said Land, when so purchased, and the said Chapel so Built, shall be and is hereby declared to be constituted and deemed the Land and Chapel of Ease of the said Parish, and the said Chapel forever hereafter shall be supported and repaired at the Charge of the said Parish.

[One other Chapel to be enlarged.]

And be it further Enacted, by the Authority, Advice and Consent aforesaid, That it shall and may be lawful for the Vestry-men and Church-wardens of the Parish aforesaid, or the major Part of them, and they are hereby authorized and impowered to treat and agree with any Person or Persons, that they or the major Part of them, shall or may think capable to enlarge the Chapel of Ease situate on Dividing Creek aforesaid, in the said Parish.

[62,400 lbs. of Tobacco to be levied to defray the Expence.]

And be it further Enacted, by the Authority, Advice, and Consent aforesaid, That the Justices of Somerset and Worcester County Courts, for the Time being, shall, and they are hereby authorized and impowered to assess and levy on the Taxable Inhabitants of the said Parish, the Quantity of Sixty-two Thousand Four Hundred

Pounds of Tobacco, by Three equal Assessments, in the Years of our Lord, Seventeen Hundred and Sixty-two, Seventeen Hundred and Sixty-three, and Seventeen Hundred and Sixty-four, together with the Sheriff's Salary of Five per Cent. for Collecting the same; which said Assessments shall be respectively made by the Justices aforesaid in Proportion to the Taxable Inhabitants of the said Parish of Coventry, residing in their several and respective Counties; which said Assessments, so as aforesaid to be made and levied, shall be collected by the Sheriffs of Somerset and Worcester Counties from the several Taxable Persons of the said Parish who shall reside within their Counties; and the said Quantity of Tobacco, when so as aforesaid collected, shall be paid by such Sheriffs respectively, to such Vestry and Church-wardens aforesaid, who are hereby authorized and required to receive and apply the same to the Uses aforesaid. Provided always, and be it further Enacted, That it shall and may be lawful for the several and respective Inhabitants of Coventry Parish, as aforesaid, to pay and discharge the said several and respective Sums of Tobacco, so to be levied and raised for the Uses aforesaid, in Current Money, in the same Manner as they now are enabled to pay and discharge the Public or County Levy; any Clause, Matter or Thing, herein to the contrary, notwithstanding. Liber H. S. No. 1 p. 408

By the Lower House of Assembly 17th April 1762. Read and Assented to	On Behalf of the Right Honourable the Lord Proprietary of this Province I will this be a Law	By the Upper House of Assembly 17 April 1762. Read and Assented to
Signed ꝑ order JA Thomas Cl lo ho	Horo Sharpe	Signed ꝑ order JRoss Cl. Up. Ho

The Great Seal in Wax Appt

No. 16 [*No. XVII*] An Act continuing an Act, entituled, An Act for Repairing the Public Roads in this Province; and the Supplementary Act thereto.

Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor and the Upper and Lower Houses of Assembly, and the Authority of the same, That an Act of Assembly of this Province, entituled, An Act for Repairing the Public Roads in this Province, made at a Session of Assembly, begun and held at the City of Annapolis, the Second Day of October, Seventeen Hundred and Fifty-three; also the Supplementary Act thereto, made at a Session of Assembly, begun and held at the City of Annapolis, the Twenty-third Day of February, One Thousand Seven Hundred and Fifty-six, be, and hereby are continued, and shall remain and be in full Force for and during the Term of Three Years, and to the End of next Session [An Act continued.]

Liber H. S. No. 1 of Assembly, which shall happen after the End of the said Three Years.

By the Lower House of Assembly 17.th April 1762. Read and assented to Signed ꝑ order J. A. Thomas Cl lo ho	On behalf of the Right Honourable the Lord Proprietary of this Province I will this be a Law Horo Sharpe The Great Seal in Wax app.t	By the Upper House of Assembly 17 April 1762. Read and assented to Signed ꝑ order JRoss Cl Up Ho

No. 17 [*No. XVIII*] An Act continuing an Act, entituled, An Act for the more effectual destroying of Squirrels and Crows in the Counties of Kent, Queen-Anne's, and Talbot, and for destroying Red Foxes in the said Counties.

[An Act continued.] Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That an Act of Assembly of this Province, entituled, An Act for the more effectual destroying of Squirrels and Crows in the Counties of Kent, Queen-Anne's and Talbot, and for destroying Red Foxes in the said Counties, made at a Session of Assembly, begun and held at the City of Annapolis, the Twenty-fourth Day of May, Anno Domini One Thousand Seven Hundred and Forty Nine, p. 409 be, and is hereby continued, and shall remain and be in full Force, for and during Three Years, and to the End of the next Session of Assembly, which shall happen after the End of the said Three Years.

By the Lower House of Assembly 17.th April 1762. Read and assented to Signed ꝑ order J. A. Thomas Cl lo ho	On behalf of the Right Honourable the Lord Proprietary of this Province I will this be a Law Horo Sharpe The Great Seal in Wax app.t	By the Upper House of Assembly 17 April 1762. Read and assented to Signed ꝑ order JRoss Cl Up Ho

No. 18 [*No. XIX*] An Act continuing an Act, entituled, An Act for the Relief of such Persons as cannot find Surety for their Appearance, to testify as a Witness against any Person arrested, accused, or prosecuted, for any Criminal Matter.

[An Act continued.] Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That an Act of Assembly of this Province, entituled, An Act for the Relief of such Persons as cannot find Surety for their Appearance, to testify as a Witness against any Person arrested, accused, or prosecuted for any Criminal Matters, made at a Session of Assembly, begun and held at the City of Annapolis, the Third Day of June, Anno Domini One Thousand Seven Hundred and Fifty Two, be, and is hereby continued, and shall be and remain in full Force, for and during Three Years, and to the end of the next Session of Assembly, which shall happen after the End of the said Three Years. Liber H. S. No. 1

By the Lower House of Assembly 17.th April 1762. Read and assented to	On behalf of the Right Honourable the Lord Proprietary of this Province I will this be a Law	By the Upper House of Assembly 17 April 1762. Read and assented to
Signed ꝑ order J. A. Thomas Cl lo ho	Hor° Sharpe	Signed ꝑ order JRoss Cl Up Ho

The Great Seal in Wax app.t

No. 19 [*No. XX*] An Act for erecting a Public Warehouse at Vienna Town, in Dorchester County.

[Preamble.] Whereas it is represented to this General Assembly, by the Petition of sundry of the Inhabitants of Dorchester County, that the Inhabitants thereof, on or near the River of Nanticoke, are greatly distant from any Public Warehouse, and that erecting a Warehouse at Vienna Town, on the Land of Mr. Joshua Edmondson, on the said River, will conduce much to the Ease, Convenience and Benefit of a great Number of Inhabitants of the same County;

p. 410 [A new Warehouse to be erected at Vienna Town.] Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That the Justices of Dorchester County Court shall, with all possible Speed, direct their Clerk to issue a Note in Writing to the Sheriff of that County, who is hereby required to serve the same, thereby signifying to the said Joshua Edmondson, that a Warehouse is directed by Act of Assembly to be built on the Land of the said Edmondson, at Vienna Town aforesaid, and thereby also requiring the said Edmondson, if he thinks proper, to be and appear before them, or any three or two of them, to be by the said Court appointed for that Purpose, on a certain Day therein to be mentioned, which shall not, in Point of Time, exceed Ten Days, in Order to agree with the said Joshua Edmondson for the Value of a Half Acre of Land, and the said three Justices, or any two of them, shall then lay off and ascertain a Half Acre of the Land of the said Joshua Edmondson, at Vienna Town, for the Purpose aforesaid; and then and there the Justices aforesaid, in Case the said Joshua Edmondson shall appear, shall demand, if he will build a Warehouse and Wharf, and erect Prizes and Cranes at such Place, and in Case the said Joshua Edmondson will undertake such Building, for the Rents, and on the Terms, that are mentioned in the

Act for amending the Staple of Tobacco, for preventing Frauds in his Majesty's Customs, and for Limitation of Officers Fees, and an Agreement shall be made with him for that Purpose by such Justices, then the said Joshua Edmondson shall have the Preference to any other Person: But in Case the said Joshua Edmondson shall not appear at the Day so appointed and notified as aforesaid, or upon appearing, will not agree to build as aforesaid, that then the Justices aforesaid, may agree with any other Person, who will undertake to build a Warehouse, Wharf and other Conveniencies, as aforesaid, on such Half Acre; and in Case the said Justices do enter into any Agreement, either with the said Edmondson, or any other person or Persons, they shall take the like Bond, which shall be Recorded, and have the same Uses, Powers and Effects, as by the said recited Act is directed, obliging such Undertaker to have the same Building done so as to receive Tobacco by the First Day of December next.

[Land to be valued, in case, &c.]

And be it further Enacted, That in Case the said Joshua Edmondson will not build on the said Half Acre as aforesaid, that then and in such Case, the Justices aforesaid shall proceed to set a Value in Current Money on the Half Acre of Land as aforesaid; and whatever Value the said Justices shall so set on the same, shall be paid to the said Joshua Edmondson by such other Undertaker or Undertakers, and from and after such Payment, such Undertaker or Undertakers, upon Building as aforesaid, shall be invested in the same Estate, to all Intents and Purposes, as the said Joshua Edmondson now hath in the said Half Acre of Land.

[Scales, &c. to be provided.]

And be it further Enacted, That the Justices of the same County, at the Expence of the same County, shall, and they are hereby required to provide sufficient Beams, Weights, Scales, Blocks, Tackle, and all other Necessaries, and try and examine the same, in the same Manner that is directed for other Warehouses by the said Act.

[To be let to the Inspector.]

And be it further Enacted, That the Person or Persons who shall undertake the Building as aforesaid, and keeping the same in Repair, shall, and they are hereby obliged to let the same to the Inspector of such Warehouse, under the same Penalty, and at the like Rates, and to be recovered and paid, in the same Manner as in the same recited Act is mentioned.

[Inspector by whom chosen.]

And be it further Enacted, That the Vestry of Great-Choptank Parish, in the said County, or the major Part of them, shall, at the Times and in the Manner in the said Act mentioned for choosing Inspectors, under the Penalties therein mentioned, choose and recommend two such Persons as by the said Act is directed, and cause a List of the same to be returned to the Governor or Commander in Chief, who shall choose and commissionate one of them.

p. 411

[In case of Death, &c.]

And be it further Enacted, That in Case of the Death, Refusal, or Removal of any Inspector, or Inspectors, which shall be chosen as

Liber H. S. No. 1

aforesaid, the Governor or Commander in Chief for the Time being, shall and may nominate and appoint any other Person or Persons, mentioned in the last Recommendation to be sent him from the Vestry and Churchwardens, when, and as often as any such Vacancy shall or may happen.

[Inspector's Duty and Privileges.]

And be it further Enacted, That the Inspector for the Time being, at the said Warehouse, shall be under the same Duties, Obligations, Restrictions, and Penalties, and enjoy the same Privileges that other Inspectors do, and are under, by the said recited Act; and that all Tobacco carried to the same Warehouse, and the Notes for the same, shall be good and negotiable, and upon the same Terms, and under the Securities, that all Tobacco and Notes are mentioned to be by the said recited Act: And that the same Warehouse, and the Undertaker or Undertakers for the same, shall be under the like Incumbrances, and receive the like Benefits and Advantages, that other such Warehouses and Owners are under and do receive by the said recited Act.

[Salary.]

And be it further Enacted, That there shall be annually allowed to the Inspector of the said Warehouse, the Sum of Thirty Pounds, in the same Manner that the Salaries are allowed to other Inspectors by the said recited Act.

[In case of Overplus.]

And be it further Enacted, That the Overplus of all the Money arising by the Profits of the said Warehouse, more than will defray the necessary Charges and Disbursements thereof, shall be applied by the Justices of the said County, yearly, and every Year, during the Continuance of the said recited Act, towards defraying the Charges of the said County: But in Case there should be a Deficiency therein, and that the Profits of the said Warehouse will not be sufficient to answer the necessary Charges and Disbursements of the same, that then and in such Case the Justices aforesaid shall, at their November Court yearly, during the Continuance of the said Act, levy such a Sum of Current Money, by an equal Assessment on the several taxable Inhabitants of the said County, as will make up such Deficiency, together with a Salary of Six Pounds per Cent, to the Sheriff for collecting the same.

[In case of Dificiency.]

[Continuance.]

This Act to continue and be in Force during the Continuance of the said recited Act.

By the Lower House of Assembly 17th April 1762. Read and assented to	On behalf of the Right Honourable the Lord Proprietary of this Province I will this be a Law.	By the Upper House of Assembly 17 April 1762. Read and assented to
Signed ꝑ order J. A. Thomas Cl lo ho	Hor.o Sharpe	Signed ꝑ order JRoss Cl Ho Ho

The Great Seal in Wax Appt

No. 20 An Act to change the Name of Zacheus Barret to that of Onion.

[*No. XXI*] Liber H. S. No. 1 Whereas Stephen Onion late of Baltimore County Iron Master deceased being seized of a Considerable Real Estate did by his last Will and Testament give his whole Real Estate to his Nephew Zacheus Barret who should from thence forward be called Zacheus Onion and his Heirs of his Body by the name of Onion for ever and the said Zacheus Barret hath prayed this General Assembly that p. 412 an Act may pass Changing his Sir name from Barret to Onion.

Be it therefore Enacted by the Right Honourable the Lord Proprietary by and with the Advice and consent of his Lordships Governour and the Upper and Lower Houses of Assembly and the Authority of the same That it shall and may be Lawful for the said Zacheus Barret from henceforth to take upon himself the sir name of Onion insted of that of Barret and the children of the said Zacheus now born or hereafter to be born shall and may take and bear the Sir name of Onion, and that all Securities Promises Contracts Assurances and Deeds Whatsoever heretofore made or hereafter to be made by or to the Aforesaid Zacheus by the name of Onion shall be of the same Force and effect and Equally avail to all Intents and Purposes as if Onion had been the true and Proper Sir name of the aforesaid Zacheus from his Birth, any Law Statute or Custom to the Contrary Notwithstanding.

By the Lower House of Assembly 19th April 1762. Read and Assented to Signed ꝑ Order J. A. Thomas Cl. Lo. Ho	On Behalf of the Right Honourable the Lord Proprietary of this Province I will this be a Law Hor^{o} Sharpe	By the Upper House of Assembly 19 April 1762. Read and Assented to Signed ꝑ order JRoss Cl Up Ho

The Great Seal in Wax app.^{t}

No. 21 [*No. XXII*] An Act impowering the Justices of Charles County, to Levy on the Taxable Inhabitants of Portobacco Parish, in the said County, a Quantity of Tobacco for the Uses therein mentioned.

[Preamble.] Whereas the Vestry-men and sundry other Inhabitants of Port-Tobacco Parish, in Charles County, have, by their humble Petition to this present General Assembly, set forth, That the Chapel of Ease erected in the said Parish is much too small for the Purpose for which it was intended, and for Enlarging the same, have humbly prayed that a Law may pass, impowering the Justices of Charles County aforesaid, to Levy on the Taxable Inhabitants of Port-Tobacco Parish aforesaid, the Quantity of Twenty-five Thousand Pounds of Tobacco, together with a Salary to the Sheriff for Collecting the same; which being thought reasonable, it is prayed that it may be Enacted.

Liber H. S. No. 1 [25,000 Wt. of Tobacco to be levied in Port-Tobacco Parish.]

And be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That the Justices of Charles County, for the Time being, shall and may, and they are hereby authorized and directed, on the Application of the Vestry and Church-wardens of Port-Tobacco Parish, in Charles County, or the Majority of them, to assess and levy on the Taxable Inhabitants of the said Parish, the aforesaid Quantity of Twenty-five Thousand Pounds of Tobacco, together with the Sheriff's Salary of Five Pounds per Centum for Collection, at Two equal annual Assessments; which said Quantity of Twenty-five Thousand Pounds of Tobacco, shall be collected and levied by the Sheriff of the said County, who is hereby authorized and directed to Collect and Levy the same, in the same Manner as other Parish Assessments are by Law directed to be Levied and Collected; and the said Tobacco, when so collected, shall be paid to the said Vestry and Church-wardens, or the Majority of them, who are hereby authorized and directed to lay out and apply the same in Building and fully compleating an Addition to to the Chapel of Ease aforesaid, in such Manner as to them shall seem most fit and convenient.

By the Lower House of Assembly 21st April 1762. Read and assented to
Signed ꝑ order
JA Thomas Cl lo ho

On behalf of the Right Honourable the Lord Proprietary of this Province I will this be a Law
Horo Sharpe

By the Upper House of Assembly 21 April 1762. Read and assented to
Signed ꝑ order
JRoss Cl Up Ho

The Great Seal
in Wax appt

No. 22 [*No. XXIII*] An Act to remedy an Omission in the Testament and last Will of Henry Woodward—Deceased p. 413

[Private act.]

Whereas it is made appear to this General Assembly that a Tract Land called Turkey Quarter otherwise called Clarks otherwise called Clarks Quarter lying in Ann Arundel County and containing about one hundred and fifty Acres is Omitted to be inserted in the Testament and last Will of Henry Woodward late of Ann Arundel County Gentleman Deceased though the Said Henry Woodward intended the said Tract of Land should be sold and for that Purpose named and particularized the Same Amongst other Lands to the Person who wrote his Will. And the Widow and Executrix of the said Henry Woodward who is Mother to several Infant girls the Children and Heir of the said Henry Woodward hath prayed that an Act may Pass for the sale of the said Tract of Land in the same manner as if the same had been particularized and named in his Will aforesaid amongst his other Lands thereby directed to be sold.

Be it therefore Enacted by the Right Honourable the Lord Proprietary by and with the Advice and Consent of his Lordships

Liber H. S. No. 1

Governour and the Upper and Lower Houses of Assembly and the Authority of the Same. That the said Tract of Land called Turkey Quarter otherwise called Clarks otherwise called Clarks Quarter shall and may be sold and Conveyed and the money thence arising applied and disposed of by the Same Person or Persons and in like manner as the Lands directed by the said Will are or were thereby to be Sold and conveyed and the moneys thence arising to be applied and disposed of and as if the said mentioned Tract of Land had been particularly and expressly named and mentioned in the Will aforesaid amongst the Lords of the Said Henry Woodward directed to be sold by the Said Will and the Purchaser or Purchasers of the said Tract of Land shall be Equally secured and benefited by such Sale and Conveyance to be made as aforesaid And the Heirs of the said Henry Woodward and all persons whatever claiming under him or them shall be thereby as effectually bound and barred as if the said Tract of Land had been Expressly mentioned and named as aforesaid—in the Will aforesaid. Saving to the Right Honourable the Lord Proprietary his Heirs and Successors and to all Bodies Politick and Corporate and their successors and all others not mentioned in this Act their Several and respective Rights.

By the Lower House of Assembly 22^d April 1762. Read and Assented to.
Signed ꝑ order
J. A. Thomas Cl Lo Ho

On Behalf of the Right Honourable the Lord Proprietary of this Province I will this be a Law
Hor^o Sharpe

By the Upper House of Assembly 22 April 1762. Read and Assented to
Signed ꝑ order
JRoss Cl Up Ho

The Great Seal in Wax App.^{t}

No. 23 [*No. XXIV*]

An Act for the speedy and effectual Publication of the Laws of this Province; and for the Encouragement of Jonas Green, of the City of Annapolis, Printer.

p. 414

[Sums of Money to be levied for Jonas Green, Printer, in the several Counties.]

Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That there shall be allowed to Jonas Green, of the City of Annapolis, Printer, the several and respective Sums of Current Money, in the several Counties within this Province, following, to wit, In Baltimore County, Thirty Pounds: Anne-Arundel County, Twenty-five Pounds Ten Shillings: Charles County, Twenty-three Pounds Ten Shillings: Prince-George's County, Twenty-three Pounds: Frederick County, Twenty Pounds Ten Shillings: Queen-Anne's County, Twenty Pounds Five Shillings: Saint Mary's County, Nineteen Pounds Ten Shillings: Dorchester County, Eighteen Pounds Ten Shillings: Kent County, Eighteen Pounds Five Shillings: Talbot County, Seventeen Pounds Fifteen Shillings: Somerset County, Seventeen Pounds Ten Shillings: Worcester County, Sixteen Pounds Fifteen Shillings: Cæcil County, Sixteen

Pounds Ten Shillings: And Calvert County, Eleven Pounds Ten Shillings: Which said respective Sums of Money, the Justices of the several County Courts within this Province, are hereby impowered and required to allow and assess in their respective County Levies annually, during the Continuance of this Act, together with the Sheriff's Salary of Five Pounds per Cent for Collecting the same. And the several Sums of Money, to be allowed and assessed as aforesaid, shall be collected by the Sheriff of each respective County, and yearly paid by them respectively, free from any Abatement or Deduction, to the said Jonas Green, or his Order, for Printing, Stitching, Covering with Marble or Blue Paper, Vellum or Parchment, and delivering a Copy of the Public Laws made this present Session of Assembly by the last Day of July, in this present Year, and the Votes and Proceedings of the Lower House of Assembly of this present Session by the last Day of August, in the Year of our Lord Seventeen Hundred and Sixty-two, and also a Copy of the Laws of any future Session within Three Months, and of the Votes and Proceedings of the Lower House of Assembly within Four Months, respectively, after the End of every such Session, during the Continuance of this Act, to the Governor, and each Member of the Upper and Lower Houses of Assembly, and one Book of the Votes and Proceedings to the Clerk of each House, and Three Books of the Votes and Proceedings aforesaid to the Clerks of the several and respective County Courts, for the Perusal of the Inhabitants of the several and respective Counties, and a Copy of the Public Laws, during the Continuance of this Act, to every Provincial and County Magistrate, and a Copy of each Law bound up in Leather, to each House of Assembly, the High Court of Appeals, the Provincial Court, and to each County Court within this Province.

[For Printing Laws, &c.]

And be it likewise Enacted, That if it should so happen, that in any Year during the Continuance of this Act, there should not be any Session of Assembly held within this Province, whereby the said Jonas Green may be enabled to Print Laws, and deliver them within such Year, that then and in such Case, there shall be allowed to the said Jonas Green the several and respective Sums of Current Money, in the several Counties within this Province, following, to wit, In Baltimore County, Twenty-four Pounds Five Shillings: Anne-Arundel County, Twenty Pounds: Charles County, Eighteen Pounds Ten Shillings: Prince-George's County, Eighteen Pounds: Frederick County, Sixteen Pounds Five Shillings: Queen-Anne's County, Fifteen Pounds Fifteen Shillings: Saint Mary's County, Fourteen Pounds Ten Shillings: Dorchester County, Fourteen Pounds: Kent County, Thirteen Pounds Fifteen Shillings: Talbot County, Twelve Pounds Ten Shillings: Somerset County, Eleven Pounds Fifteen Shillings: Worcester County, Eleven Pounds Five Shillings: Cæcil County, Eleven Pounds: And Calvert County, Eight Pounds Ten

[If no Session in a Year.]

[His Allowance in such Case.]

Liber H. S. No. 1 Shillings: Which said respective Sums of Money last aforementioned, together with the Sheriff's Salary of Five Pounds per Cent for Collecting the same, the said Justices of the several County Courts within this Province, are hereby impowered and required to allow and assess in their respective County Levy, and shall be by the p. 415 respective Sheriffs collected, and yearly paid to the said Jonas Green, in Manner and Form aforesaid, for his better Support and Encouragement in serving this Province, and residing within the same.

[Proviso.] Provided always, That the said Jonas Green shall actually reside at Annapolis during the Continuance of this Act, and comply with the Terms thereof; and that upon the Death of the said Jonas Green, or his Removal from Annapolis, or ceasing to comply with the Terms of this Act on his Part, the Payment of the Sums of Money herein before directed to be paid to him, shall cease; any Thing contained in this Act, to the contrary, notwithstanding.

[Laws to have Notes.] And be it likewise Enacted, That the Copy of the Public Laws made this present Session of Assembly, as well as those made at any future Session, during the Continuance of this Act, shall have marginal Notes made and printed thereto, as also the Date of the Year, wherein such Laws were respectively made, inserted in each Page, and a List of such Laws made at the End of each Session, with the Page where they are Printed; all which the said Jonas Green is hereby required and obliged to do, as well as all other Services before mentioned, for the yearly Salary aforesaid.

[Allowance to Jonas Green for his want of Salary in 1761.] And whereas the last Law for the Encouragement of the said Jonas Green, did expire the Second Day of April, in the Year of our Lord One Thousand Seven Hundred and Sixty-one, whereby the said Jonas Green had no Allowance from this Province for the Year One Thousand Seven Hundred and Sixty-one aforesaid: Be it therefore Enacted, That there shall be allowed to the said Jonas Green, for his Services in the said Year, the several and respective Sums of Current Money, in the several Counties within this Province, following, to wit, In Baltimore County. Twenty-four Pounds Five Shillings: Anne-Arundel County, Twenty Pounds: Charles County, Eighteen Pounds Ten Shillings: Prince-George's County, Eighteen Pounds: Frederick County, Sixteen Pounds Five Shillings: Queen-Anne's County, Fifteen Pounds Fifteen Shillings: Saint Mary's County, Fourteen Pounds Ten Shillings: Dorchester County, Fourteen Pounds: Kent County, Thirteen Pounds Fifteen Shillings: Talbot County, Twelve Pounds Ten Shillings: Somerset County, Eleven Pounds Fifteen Shillings: Worcester County, Eleven Pounds Five Shillings; Cæcil County, Eleven Pounds: And Calvert County, Eight Pounds Ten Shillings: Which said respective sums of Money last mentioned, together with the Sheriff's Salary of Five Pounds per Cent for Collecting the same, the said Justices of the several County Courts within this Province, are hereby impowered and required to allow and assess in their next respective County Levies, and shall be by the respective Sheriffs collected and paid to the said Jonas Green, in Manner and Form aforesaid.

[To be paid agreeable to the Regulation of Coin in 1753.]

Provided always, and be it hereby Enacted, That it shall and may be lawful for the Taxable Inhabitants of this Province, upon whom the above Sums of Money shall be assessed, to discharge and pay the same in Gold and Silver, at the same Rates as by the Act, entituled, An Act for amending the Staple of Tobacco, for preventing Frauds in his Majesty's Customs, and for the Limitation of Officers Fees, made at a Session of Assembly, begun and held at the City of Annapolis the second Day of October, in the Year of our Lord One Thousand Seven Hundred and Fifty-three, Gold and Silver is directed to be received in all Payments made in Virtue of that Act.

p. 416

[His duty about the delivering the Laws, &c.]

Provided also, That it shall and may be lawful for the Sheriffs of the several and respective Counties respectively, and they are hereby required not to pay to the said Jonas Green the said respective Sums of Money herein before mentioned, or any Part thereof, to be assessed and levied for his Use, for his Salary for this present or any future Year, during the Continuance of this Act, unless it shall be made appear to them by a Certificate or Receipt from the Sheriff of Anne-Arundel County, for the Time being, That the Public Laws, and the Votes and Proceedings of this Session, and every future Session or Convention, during the Continuance of this Act, were printed and delivered to him within the respective Times herein before directed; any Thing herein before contained to the contrary, in any wise, notwithstanding.

[Sheriffs to forward them as Public Letters.]

And be it further Enacted, That the several and respective Sheriffs within this Province, shall, and they are hereby directed and required to receive and forward the said Laws, with the Votes and Proceedings aforesaid, to the Clerks of the several County Courts, and Members of each House of Assembly, as Public Letters are by the Laws of this Province directed to be forwarded, and under the like Penalty; to be recovered and applied in like Manner.

[An Allowance for past Services.]

And whereas it appears to this present General Assembly, That the said Jonas Green hath done divers Services as Printer for this Province, for which he hath not heretofore had any Allowance: Be it therefore Enacted, That the Commissioners of the Loan-Office for the Time being, shall and do pay to the said Jonas Green, or his Order, the Sum of Five Hundred Pounds Current Money, in full Satisfaction for such his Services; which said Sum of Five Hundred Pounds Current Money, the said Commissioners are hereby directed and required to take out of the Sum of Nineteen Hundred and Ninety-nine Pounds Twelve Shillings, paid into the said Office by Virtue of the Act, entituled, An Act for his Majesty's Service, passed at a Session of Assembly begun and held at Annapolis the

Liber H. S. No. 1

Seventeenth Day of July, Seventeen Hundred and Fifty-four, to replace the like Sum of Money taken out of the Treasurer's Hands.

[The Assessment Bill, and Messages relating thereto, to be Printed.]

And be it further Enacted, by the Authority aforesaid, That the said Jonas Green shall Print, Stitch, and Cover with Marble Paper, blue Paper, Vellum or Parchment, the Bill, entituled, An Act for granting a Supply of Forty-five Thousand Pounds for his Majesty's Service, and for defraying the Expenses heretofore incurred for the Defence and Security of the Frontier Inhabitants of this Province, and for other Purposes therein mentioned, and for raising the same by an equal Assessment upon all Estates Real and Personal, and Lucrative Offices and Employments, together with the several Messages relative thereto, and the same deliver by the last Day of October next, in like Manner as the Votes and Proceedings of the Lower House of Assembly are by this Act directed to be delivered, one Copy thereof to the Governor, one other Copy thereof to each Member of the Upper and Lower Houses of Assembly, one other Copy thereof to the Clerk of each House of Assembly, and Three Copies thereof to every Clerk of the several and respective County Courts of this Province, for the Perusal of the Inhabitants of the several and respective Counties.

[Continuance.]

This Act to continue till the Second Day of April which shall be in the Year of our Lord One Thousand Seven Hundred and Sixty-five, and no longer.

By the Lower House of Assembly 22nd April 1762. Read and assented to
Signed ꝑ order
J. A. Thomas Cl lo ho

On behalf of the Right Honourable the Lord Proprietary of this Province I will this be a Law.
Hor.o Sharpe

By the Upper House of Assembly 22.d April 1762. Read and assented to
Signed ꝑ order
JRoss Cl Ho Ho

The Great Seal in Wax Appt

No. 24
[*No. XXV*]
p. 417

An Act impowering the Justices of Baltimore County Court, to assess and levy a Sum of Current Money, and for other Purposes therein mentioned.

[600 l. to be levied in St. Paul's Parish in Baltimore, at 3 equal Assessments, for Building a Chapel of Ease.]

Upon Application made by Petition to this General Assembly, from sundry Inhabitants of Saint Paul's Parish in Baltimore County, Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That it shall and may be lawful to and for the Justices of Baltimore County Court, for the Time being, and they are hereby directed and required to assess and levy on the Taxable Inhabitants of the aforesaid Parish, in the County aforesaid, the Sum of Six Hundred Pounds Current Money, together with the Sheriff's Salary of Five Pounds per Cent for Collection, at Three equal annual assessments, in the same Manner and under the same Terms as the County Charges are usually assessed and levied; and that the Reverend Mr. Thomas Chase, Major Thomas Franklin, Mr. William Baxter, Mr. John Ridgely, Mr. Nicholas Ruxton Gay, Mr. Mayberry Helms, and Mr. John Ensor, junior, or the major Part of them, are hereby authorized, directed and required, to buy and purchase in Fee, in the Name of the Rector, Vestry-men and Church wardens of the said Parish, Two Acres of Land in the Parish aforesaid, at a Place called and known by the Name of T L, for a Chapple of Ease to the said Parish; and the aforesaid Thomas Chase, Thomas Franklin, William Baxter, John Ridgely, Nicholas Ruxton Gay, Mayberry Helms, and John Ensor, junior, or the major Part of them, are hereby authorized, directed, and required, to agree and contract with a Workman or Workmen, to undertake, erect, build, and in a Workman-like Manner to compleat and finish on the aforesaid Two Acres of Land, a Chapple of Ease to the aforesaid Parish, and the aforesaid Two Acres of Land, when bought, and the aforesaid Chapple of Ease, when built, and they are hereby Enacted and Declared to be vested in the said Parish, as the Estate and Chapple of Ease to the aforesaid Parish, for the Worship and Service of God, in like Manner as other Lands, and Chapples of Ease thereon built, in other Parishes, are used and enjoyed.

Liber H. S. No. 1

[Sheriff to pay, on the Order of the Gentlemen appointed.]

And be it further Enacted, by the Authority, Advice and Consent aforesaid, That the aforesaid Thomas Chase, Thomas Franklin, William Baxter, John Ridgely, Nicholas Ruxton Gay, Mayberry Helms, and John Ensor, junior, or the major Part of them, be, and they are hereby authorized and impowered, from Time to Time, as Occasion shall require for the Purpose aforesaid, to draw upon the Sheriff of Baltimore County, in whose Hands the aforesaid Sum of Six Hundred Pounds Current Money, so as aforesaid to be assessed and levied, or such Part thereof as shall, by Virtue of this Act, be so assessed and levied, shall remain, for so much of the said Money as they the said Thomas Chase, Thomas Franklin, William Baxter, John Ridgely, Nicholas Ruxton Gay, Mayberry Helms, and John Ensor, junior, or the major Part of them, shall, from Time to Time, think it necessary to draw, towards Satisfaction or Payment for the Purchase of the aforesaid Two Acres of Land, and for buildings, finishing and compleating the Chapple of Ease aforesaid. And the said Sheriff is hereby authorized and obliged, from Time to Time, to pay the same to such Orders accordingly, so far as the Said Sum, thereout first deducting his Commission for Collection, shall extend unto.

p. 418
[The Incumbent to officiate every Third Sunday.]

And be it further Enacted, by the Authority aforesaid, That the said Chapple of Ease, when built, shall be deemed and used as a Chapple of Ease for the said Parish, to all Intents and Purposes, Liber H. S. No. 1 and Divine Service shall be therein performed by the present Incumbent of the said Parish, and his Successors, every Third Sunday, and the said Chapple of Ease shall be kept constantly in Repair at the Charge of the Parish of Saint Paul's aforesaid for Ever.

By the Lower House of Assembly 22.^{d} April 1762. Read and assented to Signed ꝑ order J. A. Thomas Cl lo ho	On behalf of the Right Honourable the Lord Proprietary of this Province I will this be a Law Hor^{o} Sharpe	By the Upper House of Assembly 22 April 1762. Read and assented to Signed ꝑ order JRoss Cl Up Ho

The Great Seal in Wax app^{t}

No. 25 [*No. XXVI*] An Act to augment the Salaries of the Inspectors at Elk-Ridge Landing Warehouse, in Anne-Arundel County, and the Inspectors of Emerson's Warehouse in Talbot County, and for other Purposes therein mentioned.

[Preamble.] Whereas the Salaries allowed to the Inspectors at Elk-Ridge Landing Warehouse, in Anne-Arundel County, and to the Inspectors at Emerson's Warehouse, in Talbot County, by the Act entituled, An Act for amending the Staple of Tobacco, for preventing Frauds in his Majesty's Customs, and for the Limitation of Officers Fees, are too small and inadequate to their Care and Trouble in their Office of Inspectors:

[Augmentation of several Inspectors Salaries.] Be it therefore Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That for this present Year, and every future Year during the Continuance of the said Act, there shall be allowed and paid to each of the Inspectors at Elk-Ridge Landing, and the Inspectors of Emerson's Warehouses, aforesaid, the Sum of Ten Pounds to each Inspector, over and above the Salaries allowed to the Inspectors at the said Warehouses, by the Act aforesaid; which said Sum of Ten Pounds, to each of the Inspectors aforesaid, shall be allowed and paid, in the same Manner as Inspectors Salaries are payable by the said Act.

[5 l. to the Inspector at Broad-Creek.] And whereas it has been represented to this General Assembly, That the Allowance to the Inspector of Broad-Creek Warehouse, in Worcester County, for the preceding Year, has not been equal to his Trouble and Care: Be it likewise Enacted, by the Authority aforesaid, That it shall and may be lawful for the Justices of Worcester County Court, to levy on the taxable Inhabitants of their County, for the Use of the Inspector of Broad-Creek Warehouse, a Sum of Money not exceeding Five Pounds Current Money to the said Inspector, over and above his Salary settled and allowed by the aforesaid recited Act, for his Extraordinary Service, in attending at the aforesaid Warehouse, in the Year Seventeen Hundred and Sixty. Liber H. S. No. 1

By the Lower House of Assembly 22d April 1762. Read and assented to
Signed ꝑ order
J. A. Thomas Cl Lo Ho

In Behalf of the Right Honourable the Lord Proprietary of this Province I will this be a Law
Hor^{o} Sharpe

By the Upper House of Assembly 22 April 1762. Read and assented to
Signed ꝑ order
JRoss CL Up Ho.

The Great Seal in Wax app^{t}

No. 26 [*No. XXVII*] An Act to impower Mary Stansbury Widow and Administratrix with the Will annexed of Tobias Stansbury late of Baltimore County to Sell the Lands therein mentioned for the payment of the Debts of the Said Tobias Stansbury p. 419

Whereas Mary Stansbury Administratrix with the Will annexed of Tobias Stansbury late of Baltimore County deceased by her Humble Petition to this General Assembly hath set forth that the said Tobias Stansbury her Late Husband died leaving five Daughters and one Son an Infant now about three years Old of which Children she is Mother and Natural Guardian and that upon the Death of the Said Tobias Stansbury her late Husband she took out Letters of Administration and hath regularly Administred the Effects of the said Tobias Stansbury so far forth as they have come to her Possession or knowledge, Notwithstanding which they are severall Considerable Debts due from the said Tobias Stansbury still outstanding, and that the said Tobias Stansbury died seized of about five thousand Acres of Land lying in Baltimore and Frederick Counties the Sale of part of which she apprehends will raise Money Sufficient to Satisfy the Residue of the Debts due from the said Tobias Stansbury and will thereby leave the other real Estate whereof the said Tobias Stansbury died Seized to come to the Possession of his Heirs or Devisees free from all Incumbrances. [Private act.]

And Whereas a Committee appointed by the Lower House to examine into the Facts set forth in the said Petition have reported that it appears by an Account passed by the Deputy Commissary of Baltimore County and lodged in the Prerogative Office that the said Mary Stansbury hath fully Administred her deceased Husbands Personal Estate and overpaid the same and that there still remains Several large sums of Money and Tobacco due from the said deceased on Bonds and otherwise. It is therefore prayed that it may be enacted. And be it Enacted by the right Honourable the Lord Proprietary by and with the Advice and Consent of his Lordship's Governor and the Upper and Lower Houses of Assembly and the Authority of the same That the said Mary Stansbury shall be and is by Virtue of this Act impowered to Set up and

Liber H. S. No. 1 expose to Sale at Publick Vendue to the Highest Bidder the following Tracts or Parcels of Land, that is to say the said Tobias Stansbury's Part of a Tract of Land called Fellfoot enlarged lying in Frederick County containing one thousand and Six Hundred Acres, also one other Tract of Land lying in the same County called Hallams Lookout containing two hundred and fifteen Acres, likewise two other Tracts of Land lying in Baltimore County the one called Stansbury's Inheritance Containing one thousand four hundred and forty acres the other Tract called Rosses Manor containing Seven Hundred and Seventy Acres or any or either of them or such part or parts of them or of any or either of them as may be sufficient to raise Money to Satisfy and pay the Debts still remaining due from the said Tobias Stansbury as aforesaid three months Notice of the Time and Place of such Vendue being first given in the Maryland and Pensilvania Gazette, and the said Lands or any or either of them, or any part or Parts of them or of any or either of them and all the Estate Right and Title of the said Tobias Stansbury therein respectively at the Time of his Death to make over and Convey by Indenture of Bargain and Sale or by any other Proper Conveyance to any Person or Persons who shall bid and give the best and highest price therefore as fully and Effectually to all Intents and Purposes as if the said Mary Stansbury was herself in her own Right Seized of and in the like Estate in the said p. 420 Lands and other the Premises respectively as the said Tobias Stansbury was Seized of at the Time of his Death and the monies arising on such sale or Sales to lay out apply and dispose of for and towards the Payment and Satisfaction of the Debts of the said Tobias Stansbury which he did owe at the Time of his Death and still remain due and unsatisfied and to the Satisfaction and discharge whereof the Personal Estate of the Said Tobias Stansbury will not extend. And the overplus thereof if any shall be and remain and shall be secured for and paid to such Person or Persons in the same manner and in the Same proportions as the several Lands which in Virtue of this Act shall be actually sold are by the said last Will and Testament directed or permitted to pass. And to the End that discovery may be made of such overplus if any should be and that the same may be duly secured accordingly.

Be it Enacted that the said Mary Stansbury shall before such sale or Sales give Bond with sufficient Sureties to the Deputy Commissary of Baltimore County in the same manner and Form as is usual in Cases of Intestates Estates (which said Bond shall be by him Transmitted to and lodged in the Prerogative Office) with Condition to the same that the said Mary Stansbury shall dispose of any Account for the Monies arising by such Sale or Sales Agreeably to the Intention of this Act and shall at such Sale or Sales produce a Certificate for the said Deputy Commissary of such Security having been given and also that the said Mary Stansbury shall within Six Months after any Vendue as aforesaid account with the Commissary for the Produce of Such Sale and give security for the Ballance (if any) in the same Manner as if the same was properly personal Estate, to be distributed and paid according to the meaning and Intention of this Act. Liber H. S. No. 1

Provided always and be it Enacted that this Act shall not extend to impower the said Mary Stansbury to burthen or charge the Orphan or Orphans of the af^{d} Tobias Stansbury or any Person or Persons Claiming by from or under them or any of them with any General or other Warranty than against the Said Tobias Stansbury and his Heirs.

By the Lower House of Assembly 22^{d} April 1762. Read and Assented to	On Behalf of the Right Honourable the Lord Proprietary of this Province I will this be a Law	By the Upper House of Assembly 22 April 1762. Read and Assented to
Signed ꝑ order J. A. Thomas: Cl: Lo: Ho:	Ho^{ro} Sharpe The Great Seal in Wax app.^{t}	Signed ꝑ order JRoss Cl. Up. Ho.

No. 27
No. XXVIII]

An Act for Building a Church in Saint James's Parish in Anne-Arundel County.

[Preamble.] Whereas by Petition to this General Assembly, from the Vestry-men, Church-wardens, and the Parishioners of Saint James's Parish in Anne-Arundel County, it is represented, That their Parish Church is so much decayed, that it is irrepairable, and it is prayed that an Act of Assembly may pass, impowering the Justices of the said County to Levy on the Taxable Inhabitants of the said Parish, the Quantity of One Hundred and Thirty Thousand Pounds of Tobacco, at Two even and equal Assessments, to be applied towards the Building of the said Church:

p. 421
[A new Church to be built in St. James's Parish.]

Be it therefore Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That the Vestry-men and Church-wardens of Saint James's Parish in Anne-Arundel County, or the Majority of them, shall, and they are hereby obliged and required, as soon as conveniently may be, to contract and agree for the building and compleatly finishing a new Church, on or near the Place where the Parish Church of the said Parish now stands.

[130,000 Wt. of Tobacco to be levied for the Purpose, at two Assessments.]

And be it further Enacted, That the Justices of Anne-Arundel County Court shall, and they are hereby required, on Application to them made by the Vestry-men and Church-wardens, or the Majority of them, to Levy on the Taxable Inhabitants of the said Parish, by Two even and equal Assessments, in the Two next

Liber H. S. No. 1 ensuing Years, the aforesaid Quantity of One Hundred and Thirty Thousand Pounds of Tobacco, together with a Salary to the Sheriff of the said County for collecting the same of Five per Centum; and the said Sheriff is hereby directed and impowered to collect, account for, and pay the same, to the said Vestry-men and Church-wardens, in the same Manner as other Tobacco Levies are collected, accounted for, and paid; to be applied by the said Vestry-men and Church-wardens, or the Majority of them, to the building and compleatly finishing the said new Church, and to no other Purpose whatsoever.

By the Lower House of Assembly 22^{d} April 1762. Read and assented to Signed ꝑ order J. A. Thomas	In Behalf of the Right Honourable the Lord Proprietay of this Province I will this be a Law Hor^{o} Sharpe	By the Upper House of Assembly 22 April 1762. Read and assented to Signed ꝑ order JRoss Cl Up Ho

The Great Seal in Wax app^{t}

No. 28 [*No. XXIX*] An Act for the Naturalization of Colonel Henry Bouquet and Frederick Victor

Whereas Lieutenant Colonel Henry Bouquet whom our most gracious Sovereign hath by his Commission been pleased to appoint [Private act.] an Officer in his Majesty's Sixtyeth or Royal American Regiment and Frederick Victor of the City of Annapolis Gentleman being both of them Foreigners of the Protestant or Reformed Religion have by their several Petitions to this General Assembly expressed their earnest desire to be made partakers of the Immunities and Priviledges which his Majestys Natural born Subjects of this Province are entituled to and enjoy and have also made it appear to the Satisfaction of this Assembly that they have respectively taken the several Oaths to the Government.

Be it Enacted by the Right Honourable the Lord Proprietary by and with the Advice and Consent of his Lordship's Governor and the Upper and Lower Houses of the Assembly and the authority of the Same That the said Henry Bouquet and Frederick Victor shall and they are hereby declared And Adjudged able to all Intents Constructions and Purposes whatsoever to demand take have retain and enjoy any Priviledges and Immunities belonging to or enjoyed p. 422 by his Majesty's Liege People and Natural Subjects of this Province and they the said Henry Bouquet and Frederick Victor are hereby Qualified and enabled to Purchase have hold and enjoy any Lands and Tenements or other Hereditaments within this Province and to Prosecute maintain and defend any Action or Actions real and Personal in any of his Lordship's Courts of Record of this Province and to have hold and enjoy all the Priviledges and Freedoms Whatsoever that any of his Majesty's Natural born Subjects of this Province may or can have challenge or Demand any Law Usage or Custom to the Contrary Notwithstanding Liber H. S. No. 1

By the Lower House of Assembly 22^{d} April 1762. Read and Assented to
Signed ꝑ Order
J.A. Thomas Cl. Lo Ho:

On Behalf of the Right Honourable the Lord Proprietary of this Province. I will this be a Law
Hor^{o} Sharpe

By the Upper House of Assembly 22 April 1762. Read and Assented to
Signed ꝑ Order
JRoss Cl Up Ho.

The Great Seal in Wax app.^{t}

No. 29 [*No. XXX*] An Act to impower William Clajon and Mary his Wife Administratrix of Gamaliel Butler late of the City of Annapolis to sell a Lot of Ground and three Dwelling Houses for the Payment of the Debts of the said Gamaliel Butler.

Whereas William Clajon and Mary his Wife Administratrix of Gamaliel Butler late of the City of Annapolis deceased by their humble Petition to this General Assembly have Set forth that the said Gamaliel Butler died leaving Issue one Son by Mary his Widow who has since Intermarried with the said William Clajon and that the Personal Estate of the said Gamaliel Butler was insufficient to pay off the large Sums of Money and Tobacco in which he was indebted at the Time of his Death and that the said Gamaliel Butler died Seized of a Lot of Ground and three Dwelling Houses Scituate in the City of Annapolis. [Private act.]

And Whereas it appears to this General Assembly that there hath been a full Administration of the Personal Estate of the said Gamaliel Butler and the same hath been over paid and that there Still remains Several Large Sums of Money due from the Said Gamaliel Butler on Bonds and otherwise.

It is therefore prayed that it may be enacted And be it Enacted by the Right Honourable the Lord Proprietary by and with the Advice and Consent of his Lordship's Governor and the Upper and Lower Houses of Assembly and the Authority of the Same That the said William Clajon and Mary his wife shall be and are by Virtue of this Act impowered to Set up and expose to sale at Publick Vendue to the Highest Bidder a Lot of Ground Nº 102 with the three Houses Thereon Situate lying and being on the North East side of Annapolis to Satisfie and pay the Debts still remaining due from the said Gamaliel Butler as aforesaid three months notice of the Time and Place of such Vendue being first given in the Maryland Gazette and the Said Lot and Houses and all the Estate Right and Title of the said Gamaliel Butler at the time of his Death to make and convey by Indenture of Bargain and Sale or by any other proper Conveyance to any Person or Persons who shall bid and give the best and highest Price therefore as fully and effectually to all Intents

Liber H. S. No. 1 p. 423 and Purposes as if the said William Clajon and Mary his Wife were in their own Right Seized of and in the like Estate in the said Lot and Houses as the said Gamaliel Butler was Seized of at the Time of his Death and the Monies arising on Such Sale or Sales to lay out and apply and dispose of for and Towards the Payment and Satisfaction of the Debts of the said Gamaliel Butler, which he did owe at the Time of his Death and still remain due and unsatisfied and to the Satisfaction and discharge whereof the Personal Estate of the said Gamaliel Butler is chargeable and bound and will not extend in Proportion to the Sums of those Debts respectively in a Course of Equitable Administration And the Overplus thereof (if any) shall be and remain and shall be secured for and paid to such Person or Persons in the Same Manner and Proportions as the Lot and Houses which in Virtue of this Act shall be sold would lawfully and of Right belong and to the End that discovery Should be made of such Overplus if any such should be and that the same may be duly Secured accordingly.

Be it Enacted that the Said William Clajon and Mary his Wife shall before such Sale or Sales give Bond with Sufficient Security to the Commissary General of this Province in the Same Manner and form as is usual in cases of Intestate Estates (which Bond shall be lodged in the Prerogative Office) with Condition to the Same that the said William Clajon and Mary his Wife shall dispose of and account for the Monies arising by such Sale or Sales agreeable to the Intention of this Act and Shall at such Sale or Sales Produce a Certificate from the said Commissary of Such Security having been given and also that the Said William Clajon and Mary his Wife shall within Six Months after any Vendue as Aforesaid Account with the Commissary for the Produce of such Sale or Sales and give Security for the Ballance (if any) in the same manner as if the same was properly Personal Estate to be distributed and paid according to the meaning and Intention of this Act.

Provided Always and be it enacted that this Act shall not extend to impower the said William Clajon and Mary his Wife to burthen or Charge the Orphan of the aforesaid Gamaliel Butler or any Person or Persons claiming by from or under him with any General or other Warranty than against Gamaliel Butler and his Heirs.

By the Lower House of Assembly 22d April 1762: Read and Assented to
Signed ꝑ Order
J. A. Thomas Cl. Lo. Ho:

On Behaf of the Right Honourable the Lord Proprietary of this Province I will this be a Law
Horo Sharpe

By the Upper House of Assembly 22 April 1762. Read and Assented to
Signed ꝑ Order
JRoss Cl. Up Ho.

The Great Seal
in Wax appt

No. 30
[*No. XXXI*]

An Act for the Continuance of Causes standing for Tryal in the Provincial Court.

Liber H. S. No. 1

[Preamble.]

Whereas several of the Attornies of the Provincial Court are Members of the Assembly, and obliged to attend their Public Duty, which, at this Time, will greatly hinder, if not totally prevent, the Trial of Causes in the Provincial Court: To prevent therefore the unnecessary Attendance of Jurors, Parties, and Witnesses, Be it Enacted by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That all Causes now depending in the Provincial Court, which by Law would not continue longer than till April Provincial Court, Seventeen Hundred and Sixty-two, may be continued from the said April Court to the second Tuesday of September next, and shall be then in the same Plight and Condition, in all Respects, as such Causes would be in April Provincial Court aforesaid; any Thing to the contrary thereof, in any wise, notwithstanding.

p. 424

[Continuance of Causes in April Provincial Court.]

By the Lower House of Assembly 23^d^ April 1762. Read and assented to Signed ꝑ order J. A. Thomas Cl Lo Ho	In Behalf of the Right Honourable the Lord Proprietary of this Province I will this be a Law Hor^o^ Sharpe	By the Upper House of Assembly 23 April 1762. Read and assented to Signed ꝑ order JRoss CL Up Ho.

The Great Seal in Wax app^t^

No. 31
[*No. XXXII*]

An Act to establish a Market, at the Market-House in Chester-Town, in Kent County, and for the Regulation of the said Market.

[Preamble.]

Whereas it has been represented to this present General Assembly, That by the Survey of the said Town, there is a convenient Square of Ground laid out for a Market-Place, and that the Inhabitants of the said Town have built a convenient House on the said Square for a Market-House, and that if their Market was put under a proper Regulation, it might be rendered very useful to them, as well as to the Inhabitants of the said County, and the adjacent County, and clandestine Bartering and Dealing with Servants and Slaves be prevented; and it is prayed that an Act of Assembly may be passed for holding and regulating the Market at the said Market-House:

[A Market established at Chester Town.]

Be it therefore Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That from and after the Eleventh Day of June next, Two Days in the Week shall be held as Market Days, within the Town of Chester aforesaid, to wit, Wednesdays and Saturdays, and that all Victuals and Provisions whatsoever brought to the said Town for Sale (except Fish and Oysters that shall be brought by Water, and Beef by the Quarter or larger Quantity, and

Liber H. S. No. 1

Pork by the Hog or Hogs brought either by Land or Water) upon those or any other Days, shall be carried to the Public Market-House of the said Town, there to be sold to the Inhabitants at the stated Market-Hours, to wit, from any Time in the Morning to Twelve at Noon.

p. 425

[No Provisions to be bought but at the Market-House, in Market Hours, except, &c.]

And be it further Enacted, by the Authority, Advice and Consent aforesaid, That no Inhabitant of the said Town, or other Person, shall presume to buy, or cause to be bought, of any Person or Persons bringing (and within one Mile thereof) or having brought, any Kind of Victuals or Provisions whatsoever to the said Town for Sale (except as before excepted) either upon the above stated Market Days, or any other Days of the Week, during the Time of the above stated Market Hours, at any other Place whatsoever, but at or in the aforesaid Market-House, under the Penalty of Twenty Shillings Current Money, in Bills of Credit, or Gold or Silver, for every such Offence; to be recovered by Warrant before any Justice of the Peace of Kent County, or the County where the Person shall reside, as in Case of small Debts, to be paid to such Person as shall by the Justices of Kent County, be appointed Clerk of the Market in Chester-Town aforesaid, to be by him applied to the Repairing of the said Market-House.

[Nor to be sold after Market Hours, except, &c.]

And be it further Enacted, by the Authority, Advice and Consent aforesaid, That no Person whatsoever, after the Time aforesaid, bringing or sending, or having brought or sent, any Provisions or Victuals to the said Town for Sale, shall presume to sell or cause to be sold, the said Victuals or Provisions so bringing or sending, or brought or sent, as aforesaid, to the said Town, or within one Mile thereof, either by Land or by Water (except as before excepted) under the Penalty of Ten Shillings Current Money, in Bills of Credit, or Gold, or Silver, with Costs as aforesaid (if a free Person); to be recovered, paid and applied, as aforesaid.

[Cattle, &c. not to be slaughter'd at the Market-House.]

Be it also further Enacted, That if any Person or Persons shall hereafter presume to slaughter or butcher any Cattle Kind, Sheep or Hog, in or near about the said Market-House, that he or they so doing, shall forfeit and pay Two Shillings and Six-pence Current Money, in Bills of Credit, or Gold or Silver, for every such Offence; to be recovered, paid and applied, as aforesaid, with Costs aforesaid.

[Horses, &c. not to be tied at the Market-House.]

And whereas it has been practiced by the People coming in from the Country, to tie their Horses in the said Market-House, which is very indecent and offensive to the Inhabitants of the said Town: Be it therefore Enacted, by the Authority, Advice and Consent aforesaid, That if any Person or Persons shall, after the Time aforesaid, put their own or any other Person's Horse or Horses, Mare or Mares, Gelding or Geldings, into or under the said Market-House, on any Pretence whatsoever, he or they shall pay or forfeit Two Shillings and Six-pence Current Money, in Bills of Credit, or Gold or Silver, with Costs aforesaid; to be recovered, paid, and applied, as aforesaid.

Liber H. S. No. 1

This Act to continue for Three Years, and to the End of the next Session of Assembly that shall happen after the Expiration of the said Three Years.

[Continuance.]

By the Lower House of Assembly 23^d^ April 1762. Read and assented to
Signed ꝑ order
J. A. Thomas

In Behalf of the Right Honourable the Lord Proprietary of this Province I will this be a Law
Horo Sharpe

By the Upper House of Assembly 23 April 1762. Read and assented to
Signed ꝑ order
JRoss Cl Up Ho

The Great Seal
in Wax appt

No. 32
No. XXXIII]

An Act to prevent any future Loan of the Bills of Credit now in the Paper Currency Office, and to ease the Inhabitants of this Province in the Payment of certain Taxes.

p. 426
[Preamble.]

Whereas any further Loan of any Paper Money belonging to the Province, in the Office for Emitting the Bills of Credit, may greatly tend to lessen the Value of the said Fund:

Be it therefore Enacted by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That it shall not be lawful for the Commissioners or Trustees for Emitting the Bills of Credit, established by Act of Assembly, at any Time after the End of this present Session of Assembly, to lend out to any Person or Persons, on any Pretence or Security whatever, any of the said Bills of Credit now in their Office, properly belonging to the Country, or any Bills of Credit that shall or may hereafter be paid into the said Office, on any Debt or Debts now due on Loan; any Thing in the Act for emitting and making Current Ninety Thousand Pounds Current Money of Maryland, in Bills of Credit, to the contrary, notwithstanding.

[Commissioners not to let out any Bills of Credit on Loan.]

And for the more early Payment of the Duties, Taxes, Fines, Forfeitures and Penalties, imposed by the Act for granting a Supply of Forty Thousand Pounds for his Majesty's Service, and striking Thirty-four Thousand and Fifteen Pounds Six Shillings thereof in Bills of Credit, and raising a Fund for sinking the same; Be it further Enacted, That all Duties, Taxes, Fines, Forfeitures and Penalties whatsoever, now due and payable from the People of this Province, or that hereafter shall become due and payable, under the said last recited Act, shall and may be paid either in Current Gold or Silver of America, or in Bills of Credit made Current by either of the above recited Acts; and that all and every Collector and other Officer, when he accounts for, and pays into the Office aforesaid,

[Duties, &c. to be paid either in Current Money, Gold or Silver.]

Liber H. S. No. 1

the Money by him received in Virtue of the above recited Acts, shall, at the Foot, or on the Back of his Account, produce over and above the usual Probate, a Probate under the Hand of some Provincial or County Justice to this Effect, viz. That the Paper Money for which he has debited himself in his said Account, is the Amount of all the Paper Money which he received from the People by Virtue of the said Acts, during the Time for which he accounts. And the Commissioners or Trustees shall receive the Money on the said Accounts agreeable to the Species therein distinguished, and not otherwise; and shall keep separate and distinct Accounts thereof: And for so much Gold or Silver as shall be paid into the said Office, by the Means aforesaid, there shall be burnt and destroyed the like Sum of the Bills of Credit belonging to the Province in the said Office. And the said Gold and Silver so paid in, shall be a Treasure to the Country, subject to Loan by the Commissioners or Trustees, in the same Manner as other Gold and Silver paid in for Debts due on Loan to the said Office; any Thing in the said recited Acts, to the contrary, notwithstanding.

By the Lower House of Assembly 24th April 1762. Read and assented to
Signed ꝑ order
J. A. Thomas Cl Lo Ho

In Behalf of the Right Honourable the Lord Proprietary of this Province I will this be a law
Hor° Sharpe

By the Upper House of Assembly 24 April 1762. Read and assented to
Signed ꝑ order
JRoss Cl Up Ho

The Great Seal in Wax appt

No. 33 An Act for destroying Crows and Squirrels in Baltimore County.

[*No. XXXIV*] p. 427

[Allowance for Squirrels Scalps, &c.]

Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That the Justices of Baltimore County Court shall, at the laying of their County Levy Yearly, allow unto the several Inhabitants of the said County, for the Scalp of every Squirrel, and the Head of every Crow, the Sum of Two Pounds of Tobacco, that shall be produced over and above the three Squirrel Scalps, or Crow Heads, which they are obliged to produce by any former Law of this Province.

[Oath or Affirmation to be made of their being killed in the County, after the 11th of June.]

And be it likewise Enacted, That from and after the Eleventh Day of June, Seventeen Hundred and Sixty-two, every Person or Persons who shall bring to any Justice of the Peace, within the said County of Baltimore, any Squirrel's Scalp, or Crow's Head, and shall and will make Oath on the Holy Evangels of Almighty God (or Affirmation if a Quaker) that the Squirrels or Crows, of which he, she or they, then and there actually produced the Heads or Scalps of, were really and bona fide killed within said County, after

Liber H. S. No. 1

the said Eleventh Day of June, Seventeen Hundred and Sixty-two, and upon such Oath taken, or Affirmation made, that the Justice of the Peace of the said County of Baltimore, before whom such Oath shall be taken, or Affirmation made, and such Scalps or Crows Heads produced, shall, and he or they are hereby directed to burn, or cause to be burnt, such Scalps or Heads in his Presence, to the entire destroying of them; and after such burning and destroying, such Justice of the Peace shall, and he is hereby directed to give to the person or Persons bringing such Scalps or Heads, and making Oath or Affirmation as aforesaid, a Certificate of his, her or their having produced the same, inserting therein the Number of each, and the County, wherein the Party bringing them, proved the killing such Squirrels or Crows in.

[Certificate to be given.]

And be it likewise Enacted, That such Oath, or Affirmation if a Quaker, and Certificate obtained, shall entitle the Person and Persons to the Quantity of Tobacco herein directed to be paid for such Squirrels and Crows so killed, in the then next County Levy of the said County of Baltimore.

[Allowance for the same in the County Levy.]

And be it likewise Enacted, That every Person who is obliged to kill any Number of Squirrels or Crows by this Act, or that shall be entitled to any Bounty for killing Squirrels or Crows by this Act, he, she, or they, or some other creditble Person, shall make Oath (or Affirmation if a Quaker) before some Magistrate, That such Squirrels or Crows were killed in the said County of Baltimore; any Law to the contrary, in any wise, notwithstanding.

[Persons entitled to the Bounty &c. to make Oath, &c.]

Provided always, That it shall and may be lawful for the several and respective Inhabitants within this Province, to pay and discharge the said several and respective Quantities of Tobacco so to be levied and raised, to and for the Uses aforesaid, in Current Money, in the same Manner as they are enabled to pay and discharge the Public or County Levy.

[Proviso.]

This Act to be in Force for and during the Term of Three Years, and unto the End of the next Session of Assembly which shall happen after the Expiration of the said Three Years.

[Continuance.]

p. 428

By the Lower House of Assembly 24th April 1762. Read and assented to Signed ꝑ order J. A. Thomas Cl Lo Ho	In Behalf of the Right Honourable the Lord Proprietary of this Province I will this be a Law Horo Sharpe	By the Upper House of Assembly 24th April 1762. Read and assented to Signed ꝑ order JRoss Cl Up Ho

The Great Seal in Wax appt

I do hereby Certify that Reverdy Ghiselin Clerk of the Provincial Court and Secretary's Office of the Province of Maryland this Day personally appeared before Me the Subscriber one of the Right

Liber H. S. No. 1 Honourable the Lord Proprietary of the Province of Maryland afs.^{d} his Council of state and made Oath on the Holy Evangels of Almighty God that he carefully examined all the Laws contained in this Book from fol 398 to folio 428 with the Original Act that passed the Great Seal

Sworn to this eighth Day of September Anno Dom̃ 1763

C: Hammond

SEAL

The Seal of the Provincial Court is hereto affixed on behalf of Daniel Dulany Esquire Deputy Secretary of Maryland

ꝑ

Reverdy Ghiselin Cl

Sec^{rys} Office & Prov.^{l} Court.

PROCEEDINGS AND ACTS
OF THE
GENERAL ASSEMBLY OF MARYLAND

At a Session Held at Annapolis, October 4–November 26, 1763.
Being the Second Session of the Assembly Elected in
October–November, 1761.

FREDERICK CALVERT, LORD BALTIMORE
Lord Proprietary.

HORATIO SHARPE,
Governor.

PROCEEDINGS
OF THE
UPPER HOUSE OF ASSEMBLY

At a Session of Assembly begun and held at the City of Annapolis on Tuesday 4th Day of October in the 13th. Year of his Lordships Dominion Anno Domini 1763

U. H. J.
Liber No. 36
1763
Oct. 4
p. 104

Present

His Excellency Horatio Sharpe Esq.r Governor

The honble Benjamin Tasker Esq.r, Daniel Dulany Esq.r, Stephen Bordley Esq.r, John Ridout Esq.r, Charls Goldsborough Esq.r

Doct.r George Steuart & Rob.t Lloyd acquaint his Excellency that there are a Sufficient Number of Members met to make a House and wait his Excellency's Commands

Stephen Bordley and John Ridout Esquires are sent to acquaint the Lower House that His Excellency requires their attendance in the Upper House immediately.

The Lower House attend and His Excellency is pleased to make the following Speech

Gentlemen of the Upper and Lower House of Assembly

The unexampled Successes with which his Majesty's vigorous Measures were Blessed, during the Course of the late War, having Since I had last an Opportunity of Addressing myself to you in your Legislative Capacity, enabled Him to restore Peace to his People, on Terms of Glory and great Advantage; Terms particularly calculated for the future Security and Prosperity of these Colonies, I cannot open this Session without Congratulating you on that happy Event, as Well as on the auspicious Birth of a Prince of Wales, under Whom your Posterity may enjoy the innumerable Blessings, We, in common, with the Rest of His Majesty's Subjects, at this Period, derive from the propitious Reign of the Best of Sovereigns. p. 105

I have been induced, Gentlemen, to convene you at this Time, by an Opinion that you would be glad to have an Opportunity, before the Expiration of our Inspection Law, of Considering what farther Amendments to that Act it might be expedient to make for the better Advancement of our Staple, and by what other Means, consistent with the Laws of Great Britain, the Whole Trade of this Province might be Encouraged and Promoted, You will also, I presume,

U. H. J. Liber No. 36 Oct. 4 think it Your Duty to examine at this Time into the State of our Public Funds; and if necessary, to provide for any Deficiencies which may have arisen from the long Continuance of the War, or other Accidents; and if you should now have Leisure to consider the Claims which those of the Militia, whom the necessity of the Times obliged me to order into Actual Service, and many other Persons have on the Public, I am in hopes you will both adjust such Accounts, and make the necessary Provision for Payment.

Interested, Gentlemen, as you are in the Prosperity and Welfare of this Province, you come together, I flatter myself, and with a Resolution to avoid every Measure that can tend to interrupt the Hermony which ought to Subsist between those whose true Interests are the Same, and which alone can render your Meetings of any real Benefit or Utility to your Country.

Mess:rs Mackall and Hammond from the Lower House acquaint His Excellency that their House hath made choice of M.r Michael Macnemara for their Clerk and hope for His Excellency's Approbation to whom His Excellency is pleased to declare that he approves their Choice

Messrs Worthington & Doct.r Steuart of the Lower House attend with M.r Michael Macnemara Clerk of the said House in order to see him Qualified who takes the Oaths to the Government appointed to be taken by Act of Assembly and Subscribes the Abjuration and Test and also takes the Usual Oath of Office and then withdraws

p. 106 Messrs Mackall & Ward attend with M.r Edmond Key Member Elected for S.t Marys County and Nathan Baker Member for Cecil County to see them Qualified who take the Oaths to the Government appointed to be taken by Act of Assembly repeat and Subscribe the Abjuration and Test and then with draw

Adjourn'd till 3 of the Clock in the afternoon

Eodem Die Post Meridiem

This house met again according to adjournment

Present as in the Morning

Adjourned till ten of the Clock to Morrow Morning

Oct. 5 Wednesday Morning 5th Oct.r 1763

This house met again according to adjournment

Present as Yesterday

Adjourned till 3 of the Clock in the afternoon

Eodem Die Post Meridiem

This house met again according to adjournment

Present as in the Morning

U. H. J. Liber No. 36 Oct. 5

A message from the Lower House By Mess:rs Dulany & Lloyd

By the Lower House of Assembly 5.th Oct.r 1763

May it please your honours

This house hath appointed M.r Dulany M.r Ringgold M.r Worthington M.r Robert Lloyd M.r Stoddert and M.r Hall a Committee from this house to inspect the Accounts and Proceedings of the Commissioners or Trustees for emitting bills of Credit established by Act of Assembly and desires your honours will appoint one or more Members of Your house to join in the Said Committee

Signed ꝑ Order M Macnemara Clk Lo Ho

Adjourned till to morrow Morning ten of the Clock

Thursday Morning 6 Oct.r 1763 Oct. 6

This House met again according to Adjournment

Present as Yesterday

Adjourned till 3 of the Clock in the afternoon

Eodem Die Post Meridiem

This House met again according to Adjournment

Present as in the Morning

Benjamin Tasker Esq.r attended By the Members of this House Presents to His Excellency their address which follows in these words p. 107

To His Excellency Horatio Sharpe Esq:r Governor and Commander in Chief in and over the Province of Maryland

The humble address of the Upper House of Assembly

May it Please your Excellency

Impressed with the deepest Sense of Gratitude for the many Instances we experienced during the War, of Our most gracious Sovereign's Attention to the Preservation and Prosperity of these Colonies, and for the Particular Regard that is Shewn for their future Security and Welfare, by the Terms of a glorious and most advantageous Peace, We with Pleasure embrace this Opportunity of expressing our Joy at the Accomplishment of His Majesty's benevolent and early Desire, by an Event so very agreeable to our wishes, and at the Prospect afforded us, by the Increase of the Royal Family, of the inestimable Blessings we at this Period derive from the Reign of the Best of Kings, being extended to our Posterity.

We beg your Excellency to accept our thankful Acknowledgements for the Speech you were pleased to make to us at the Opening of this Session, and for the Opportunity you have given us of Consulting by What means the Trade and Commerce of this Province might

U. H. J. Liber No. 36 Oct. 6 be promoted and encouraged, Consistent with the Laws of Great Britain; to which your Excellency may be assured, We shall on this, and every other Occasion, pay the greatest Regard; and we flatter ourselves your Excellency is Satisfied, that nothing will be wanting on our parts to provide for the payment of the Militia and other Persons, that have Claims on the Publick, as soon as their respective Accounts can be adjusted.

Sensible of the Truth of Your Excellency's Observation, that, without Harmony between the Several Branches of the Legislature, our Meetings here can be of no real Benefit or Utility to our Country, we take the Liberty to assure you, that we continue both disposed and resolved to cultivate it and to do every Thing on our Parts, that can tend to promote the Welfare of the Province, which it must ever be our true Interest and earnest Desire to advance,

5th October 1763 Benjamin Tasker President

p. 108 Adjourned till to Morrow Morning ten of the Clock

Friday Morning 7.th Oct.r 1763

Oct. 7 This house met again according to Adjournment

Present as Yesterday

Adjourned till 3 of the Clock in the afternoon

Eodem Die Post Meridiem

This house met again according to Adjournment

Present as in the Morning

His Excellency is pleased to Communicate to this house his answer to their address which follows in these words

Gentlemen of the Upper house of Assembly

I Thank you kindly for your obliging Address, and Doubt not but your Proceedings will be agreeable to the assurances you have been Pleased to give me. Horatio Sharpe

Adjourned till to Morrow Morning ten of the Clock

Oct. 8 Saturday Morning 8th. Oct.r 1763

This house met again according to Adjournment

Present as Yesterday & Philip Key Esq:r

A Bill from the Lower House by M.r Lloyd & 12 Others Entituled an Act continuing an Act for amending the Staple of Tobacco for preventing Frauds in his Majesty's Customs and for the Limitation of Officers Fees and also of the Several Acts relative thereto thus Endorsed U. H. J. Liber No. 36 Oct. 8

By the Lower House of Assembly 6 Oct.r 1763
Read the first time and Ordered to lay on the Table
Signed ꝑ Order MMacnemara Clk

By the Lower House of Assembly 7.th Oct.r 1763
Read the second time and will Pass
Signed ꝑ Order MMacnemara Clk Lo Ho

Six Bills from the Lower House by [Mr. Jacobs and Mr. J. Adams—see p. 303]

An Act continuing an Act Entituled an Act for Preventing Indians disaffected to the British Interest in America from coming into this Province as Spies or on any other Evil Design A Bill Ent:d an Act continuing an Act Ent:d an Act for relieving the Inhabitants of this p. 109 Province from some Aggrievances in the Prosecution of Suits at Law and for continuing the Supplementary Act thereto, A Bill Ent.d an Act continuing an Act to remedy some evils relating to Servants. A Bill Ent.d an Act continuing an Act Ent.d an Act for the gauge of Barrels for Pork Beef Pitch Tar Turpentine and Tare of Barrels for Flour and Bread, A Bill Ent.d an Act continuing an Act Ent:d a Supplementary Act to the Act Ent.d an Act ascertaining the heighth of Fences to prevent the Evil occasioned by the Multitude of Horses and restraining Horse Rangers within this Province and to redress the great Evil accruing to this Province by the Multiplicity of useless Horses Mares and Colts that run in the woods, A Bill Ent:d an Act continuing an Act Ent.d an Act for Encreasing the Attendance of grand and Petit Jurors who shall attend the Provincial Court to limit Costs with Respect to Witnesses and granting them an Allowance for itinerant Charges severally thus Endorsed,

By the Lower House of Assembly 6 Oct.r 1763
Read the first time and Ordered to lye on the Table
Signed ꝑ Order M Macnemara Clk Lo Ho

By the Lower House of Assembly 7.th Oct.r 1763
Read the second time and will pass
Signed ꝑ Order MMacnemara Clk Lo Ho

Read the first time in this House and Ordered to lye on the Table

Adjourned till 3 of the Clock in the afternoon

Eodem Die Post Meridiem

This house met again according to Adjournment

U. H. J. Liber No. 36 Oct. 8 Present as in the Morning

Adjourned till Monday Morning 10. of the Clock

Oct. 10 Monday Morning 10. of Oct.^r 1763

This house met again according to Adjournment

Present

Benjamin Tasker Esq.^r	Charles Goldsborough Esq.^r
Stephen Bordley Esq.^r	
John Ridout Esq.^r	Philip Key Esq.^r

Adjourned till 3 of the Clock in the afternoon

Eodem Die Post Meridiem

This house met again according to Adjournment

p. 110 Present as in the Morñg and Benedict Calvert Esquire

Read the five following Bills, an Act continuing an Act Ent:^d an Act of Preventing Indians Disaffected to the British Interest in America from coming into this Province as Spies or on any other evil Design, an Act continuing an Act to remedy some Evils relating to servants—An Act continuing an Act Ent.^d An Act for gauge of Barrells of Pork Beef Pitch Tar Turpentine and Tare of Barrells for Flour or Bread—An Act continuing An Act Entituled a supplementary Act to the Act Ent:^d An Act ascertaining the heighth of Fences to prevent the Evil occasioned by the Multitude of Horses and restraining horse Rangers within this Province and to redress the great evil accruing to this Province by the Multiplicity of useless horses Mares and Colts that run in the Woods—An Act continuing An Act Ent:^d An Act for increasing the allowance of grand and Petit Jurors who shall attend the Provincial Court to limit Costs with Respect to Witnesses and granting them an Allowance for itinerant Charges Severally thus Endorsed By the Upper House of Assembly 10.^th Oct.^r 1763 Read the second time & will pass and sent by Philip Key Esq:^r

Adjourned till to Morrow Morning ten of the Clock

Oct. 11 Tuesday Morning 11 Oct.^r 1763

This House met again according to Adjournment

Present as Yesterday

Three Bills by M^rs Dulany and Hanson One Entituled an Act continuing an Act Ent:^d An Act to Prevent Masters of Ships and Vessells from Clandestinely carrying Servants and Slaves or Persons indebted out of this Province An Act to prevent Persons from Secreting Boats Flatts and other Vessels drove by Stress of Weather from Landings & Moorings A supplementary Act to the Act Ent:d An Act for the relief of Creditors in England against Bankrupts who have imported Goods into this Province not accounted for severally thus Endorsed U. H. J. Liber No. 36 Oct. 11

By the Lower House of Assembly 8.th Oct.r 1763

Signed ℘ Order MMacnemara Clk Lo. Ho.

Read the first time and Ordered to lye on the Table

By the Lower House of Assembly 11.th Oct.r 1763

Read the second time and will Pass

Signed ℘ Order MMacnemara Clk Lo. Ho.

Read the first time in this House and Ordered to lye on the Table

The following Message is sent to the Lower House By John Ridout Esq:r

By the Upper House of Assembly 11.th Oct:r 1763 p. 111

Gentlemen

This house hath appointed Benedict Calvert Esquire to join the Members Named by your house in a Committee to inspect the Accounts and Proceedings of the Commissioners of the paper Currency Office

Signed ℘ Order John Ross Clk Up.r Ho.

Adjourned till 3 of the Clock in the afternoon

Eodem Die Post Meridiem

This house met again according to Adjournment

Present as in the Morning

Adjourned till to Morrow Morning ten of the Clock

Wednesday Morning 12 Oct.r 1763 Oct. 12

This house met again according to Adjournment

Present as Yesterday

Read the second time the Bill Ent:d An Act continuing An Act Ent.d An Act for amending the Staple of Tobacco for preventing Frauds in his Majesty's Customs and for the Limitation of Officers Fees and also of the several Acts relative thereto and will not pass and sent with the following Message by Benedict Calvert Esq.r

By the Upper House of Assembly 12th Oct.r 1763

U. H. J. Liber No. 36 Oct. 12 Gentlemen

As We are of Opinion that several Amendments are necessary to be made to the Act Ent.[d] an Act for amending the Staples of Tobacco for preventing Frauds in his Majesty's Customs and for the Limitation of Officers Fees, We cannot agree to continue that Act as it now stands, and have therefore returned the Bill Sent Us for a Continuance thereof with a Negative, but if it be agreeable to You We are willing to nominate some Members of this House to confer with such as You may appoint to consider what alterations or Amendments it may be expedient to make in that Law now in force so that a new Bill may be there upon framed

Adjourned till 3 of the Clock in the afternoon

Eodem Die Post Meridiem

This house met again according to Adjournment

Present as in the Morning

p. 112 Adjourned till to Morrow Morning ten of the Clock

Oct. 13 Thursday Morning 13.th Oct.r 1763

This house met again according to Adjournment

Present as Yesterday

A message from the Lower House By Mess:rs Tilghman & Johnson

By the Lower House of Assembly 13. Oct.r 1763

May it Please Your Honours

In answer to Your Message of Yesterday attending Your Negative to our Bill for continuing the Act Ent.[d] an Act for amending the Staple of Tobacco for Preventing Frauds in his Majesty's Customs and for the Limitation of Officers Fees, We beg leave to inform you that We do not chuse to enter into a Conference upon the general Subject of a new Inspection Law as you seem to desire—Some of your amendments and Alterations when proposed We may possibly incline to come into, Others We may resolve totally to reject and others to debate upon—So that it appears to Us a more eligible Method of Proceeding for your Honours to point out by Way of Message the Alterations and Amendments you think Expedient which may probably either make a Conference unnecessary or reduce the Subject of it to a few explicit points and of Course render the Debates upon the Points of Difference more short and easy

We would therefore request your Honours to make Us acquainted with the Alterations and Amendments you incline to have made

That We may consider of the Expediency of entering into a Debate thereupon U. H. J. Liber No. 36 Oct. 13

Signed ꝑ Order MMacnemara Clk. Lo. Ho.

Adjourned till 3 of the Clock in the afternoon

Eodem Die Post Meridiem

This house met again according to Adjournment

Present as in the Morning

Adjourned till to Morrow Morning 10. of the Clock

Friday Morning 14.th Oct.r 1763 Oct. 14

This house met again according to Adjournment

Present as Yesterday except Charles Goldsborough Esq.r

A Bill from the Lower House By Mess.rs Ringgold and Allen Entituled An Act for the Advancement of Justice thus Subscribed p. 113

By the Lower House of Assembly 10th Oct.r 1763

Read the first time and ordered to lye on the Table

Signed ꝑ Order MMacnemara Clk Lo. Ho.

By the Lower House of Assembly 13th Oct.r 1763

Read the second time and will pass

Signed ꝑ Order MMacnemara Clk Lo. Ho.

A Bill from the Lower House By Mess.rs Baker and Warring Entituled An Act for the Preservation of the Breed of Fish in the River Susquehannah and Potomack

By the Lower House of Assembly 13th Oct.r 1763

Read the first time and Ordered to lye on the Table

Signed ꝑ Order MMacnemara Clk Lo. Ho.

By the Lower House of Assembly

Read the second time and will pass

Signed ꝑ Order MMacnemara Clk Lo. Ho.

Read the first time in this House and ordered to lye on the Table

Signed ꝑ Order John Ross Clk Coun:

Adjourned till 3 of the Clock in the afternoon

Eodem Die Post Meridiem

This house met again according to Adjournment

U. H. J.
Liber No. 36
Oct. 14

Present as in the Morning

Read the Petition of the Vestry and Churchwardens of S.^{t} Anns Parish in Ann Arundel County praying a Bill may be brought in to levy in One Year the Quantity of 20 l of Tobacco ꝑ Poll on Each Taxable in the said Parish to repair the Chaple therein and also a Bill to enable the Justices of the said County to levy on Each Taxable in the said Parish Annually the Quantity of 8 l Tobacco for Supporting and maintaining an Organist for the Church of the said Parish and referred to the Consideration of the Lower House of Assembly and Sent by John Ridout Esq:^{r}

Adjourned till to Morrow Morning ten of the Clock

Oct. 15
p. 114

Saturday Morning 15.th Oct.^{r} 1763

This house met again according to Adjournment

Present as Yesterday

Read the Second time the Bill Entituled An Act continuing An Act to Prevent Masters of Ships and Vessels from clandestinely carrying Servants and Slaves or Persons indebted out of this Province—A Bill continuing An Act to Prevent Persons from Secreting Boats Flatts and Other Vessells drove by Stress of Weather from Landing and Mooring—A Bill Entituled a supplementary Act to the Act for the relief of Creditors in England against Bankrupts who have imported Goods into this Province not accounted for—A Bill for Relieving the Inhabitants of this Province from some Aggrievances in the Prosecution of Suits at Law and for continuing the supplementary Act thereto—Passed and sent by John Ridout Esq:^{r}

His Excellency hath been pleased to send the following Message together with General Amherst's Letter

Gentlemen of the Upper House of Assembly

I herewith send you a Letter that I lately received from S.^{r} Jeffery Amherst Commander in Chief of all His Majesty's Forces on this Continent the Contents of Which I recommend to Your Consideration and hope you will think it expedient by an Act of Assembly to prohibit for a time the Trade he is so anxious to put a Stop to

15th Oct.^{r} 1763 Horatio Sharpe

[*This letter from Amherst, which for some undisclosed reason is not entered in the Upper House Journal, is to be found in the Lower House journal on page 317*]

Adjourned till Monday Morning ten of the Clock

Oct. 17

Monday Morning 17.th Oct.^{r} 1763

This house met again according to Adjournment

Present

U. H. J.
Liber No. 36
Oct. 17

The honble Benjamin Tasker Esq.^{r} John Ridout Esq.^{r}
Benedict Calvert Esq.^{r}
Stephen Bordley Esq.^{r} Philip Key Esq.^{r}

Adjourned till 3 of the Clock in the afternoon

Eodem Die post Meridiem

This house met again according to Adjournment

Present as in the Morning

A Bill by Mess:^{rs} Tilghman and Graham Entituled an Act for Prohibiting all Trades with the Indians for the time therein mentioned thus Endorsed p. 115

By the Lower House of Assembly 17.th Oct..^{r} 1763

Read the first and Second time by An Especial Order and will pass

Signed ꝑ Order M Macnemara Clk Lo. Ho.

Read the first time in this house and Ordered to lye on the Table

A Bill from the Lower House Entituled a Supplementary Act to the Act for the Relief of Creditors and to prevent Frauds and Deceits occasioned by Secret Sales and Mortgages and Gifts of Goods and Chattles thus Endorsed

By the Lower House of Assembly 14th Oct.^{r} 1763

Read the first time and Ordered to lye on the Table

Signed ꝑ order MMacnemara Clk Lo. Ho

By the Lower House of Assembly 17.th Oct.^{r} 1763

Read the second time and will pass

Signed ꝑ Order MMacnemara Clk Lo. Ho.

Read the first time in this house and Ordered to lye on the Table

A Bill from the Lower House by Mess:^{rs} Johnson and Waters Entituled An Act for the Speedy Recovery of Small Debts out of Court before One Justice of the Peace thus Endorsed

By the Lower House of Assembly 10.th Act.^{r} 1763

Read the first time and ordered to lye on the Table

Signed ꝑ Order MMacnemara Clk Lo. Ho.

By the Lower House of Assembly 17th Oct.^{r} 1763

Read the second time and will pass

Signed ꝑ Order MMacnemara Clk Lo. Ho.

Read the first time in this house and ordered to lye on the Table

Adjourned till to Morrow Morning ten of the Clock

U. H. J. Liber No. 36 Oct. 18

Tuesday Morning 18th Oct.r 1763

This house met again according to Adjournment

Present as Yesterday

Read the Petition of the Vestry and Church Wardens of Port Tobacco Parish in Charles County raising a Bill to levy a further Assessment of two pounds of Tobacco ꝑ Poll upon the Taxable Inhabitants of said Parish yearly for the Maintenance of an Organist passed and Sent by John Ridout p. 116

Read the Petition of the Rector Vestrymen and Church Wardens and Others the Parishioners of Prince Georges Parish in Prince Georges and Frederick Counties praying a Bill to levy on the Taxables of said Parish 70000£ of Tobacco for building a Chappel of Ease therein—passed and Sent by John Ridout Esq.r

Read the Petition of the Vestry and Church Wardens of S.t Stephens Parish in Cecil County praying a Bill to confirm the Proceedings of the Said Vestry since 1760 passed and sent by John Ridout Esq.r

Adjourned tiil 3 of the Clock in the afternoon

Eodem Die Post Meridiem

This House met again according to Adjournment

Present as in the Morning

A Bill from the Lower House by Mess:rs Murdock and James Tilghman Entituled An Act for raising four pence Sterling for every hhd, of Tobacco exported out of this Province for the Support of An Agent at London for the Service of this Province, thus Endorsed

By the Lower House of Assembly 18th Oct.r 1763

Read the first time and Ordered to lye on the Table

Signed ꝑ Order MMacnemara Clk Lo. Ho.

By the Lower House of Assembly 18.th Oct.r 1763

Read the Second time and will pass

Signed ꝑ Order MMacnemara Clk Lo. Ho.

Read the first time in this house and ordered to lye on the Table

The following Message with the Amendments to the Tobacco Law is Sent by Benedict Calvert Esq.r

By the Upper House of Assembly 18th Oct.r 1763

Gentlemen

Agreeable to your Desire intimated to Us by Your Message of the thirteenth Instant we have in the paper herewith Sent particularized the Amendments we think it would be proper at this time to make in the Inspection Law and we entertain hopes that on a Revival of that Act You will be of the same Opinion and alter it accordingly

U. H. J. Liber No. 36 Oct. 18

Signed ꝑ Order John Ross Clk Up.^{r} Ho.

Remarks on the Inspection Law

p. 117

page 3.	In the Inspectors Oath after the Words "clear of Trash" insert these Words "and mark on each Cask the true neet Weight of Tobacco therein contained"
p 4. § 11.	Instead of April insert March and instead of the "Twentieth of August insert the last Day of June"
p 6. § 15.	Insert a Clause to prevent any Inspector's giving a Note for Tobacco that he has not actually received and passed, under Penalty of forfeiting his Salary for that Year,
p 6. § 15.	The Inspector's should be directed and required to Make every Hogshead they shall pay away in discharge of any Note or Notes by them given to contain at least 1000 ℔s of Nett Tobacco exclusive of the Allowance for Cask, Instead of Seven Shillings for Inspecting say four Shillings and two pence Sterling for Inspecting and four pence sterling for Nails, and instead of six pence say four pence Sterling
p 6. § 15.	The Shrinkage should never exceed four per Cent.
p 6. § 16.	Instead of three shillings and six pence insert two shillings Sterling, and instead of three shillings insert One Shilling and Nine pence sterling
p 9. § 27.	Instead of the Words" At Twelve shillings and Six pence per Cent insert these Words" At seven shilling and six pence sterling ꝑ Cent
p 9. § 29.	Instead of the Tenth of June insert the Tenth of May
p 9. § 30.	Instead of the Last Day of June" Insert these Words" last Day of May
p 11. § 34.	Instead of Directing the Naval Officer off the District where a Tobacco Ship shall load to transmit all the Manifests to him delivered by the Master he shall be directed to keep the third in his Office
p 13. § 35.	Baltimore Warehouse in Worcester County to be suppressed
p 18. § 49.	Instead of "Nine pence" Current Money say five pence half penny sterling"

U. H. J. Liber No. 36 Oct. 18

p 19. § 53. Instead of "Nine pence" Say five pence half penny Sterling"

§ 54. Instead of Nine pence" Say five pence half penny Sterling" instead seven Shillings say" four Shillings and two pence Sterling," instead of Three shillings and Six pence say two Shillings Sterling" and instead of Three shillings" say" One Shilling and Nine pence Sterling"

p 24. § 65. Instead of five Shillings insert Three Shillings" Inspectors should if required be "Obliged to reweigh as well as open any Hogshead of Tobacco which may have been inspected

p. 118 p 25. § 67. Instead of Three Shillings and six pence" insert two Shillings Sterling and instead of three Shillings" insert One Shilling and Nine pence Sterling instead of Seven Shilling say four shilling and two pence Sterling and instead of Six pence say four pence Sterling

p 26. § 68. Instead of the Words" after the Rate of Seven Shillings for every 950 ℔s" insert these Words" four Shillings and two pence Sterling for every 1000 ℔s,,

p 26. § 69. Instead of Seven Shillings and Six pence" insert four Shillings and six pence sterling" and leave out these Words" that is to say four shillings on the Eastern Shore and four Shillings and Six pence on the Western Shore

p 26. S leave out the 72.d 73.d 74.th 75.th 76.th 77.th 78.th & 79.th Sections.

p 28. § 80. Instead of "April" say "March" and instead of "Twelve Shillings and six pence ꝑ hundred" say seven shillings and six pence sterling. instead of Current Money" say sterling" leave out the Words of this Province, and instead of April insert March.

p 29. § 83. Instead of Current Money say sterling at the Rate of seven shillings and six pence of every hundred pounds, and instead of April say March.

§ 84. Instead of April say March.

§ 85. Instead of April say March, instead of Current Money of this Province say Sterling. instead of June say May. instead of Current Money say sterling and instead of Twelve shillings and six pence say seven shillings and six pence sterling.

§ 86. Leave out the Words Current Money and instead of Twelve shillings and six pence Say Seven Shillings and Six pence Sterling.

§ 87.	Instead of Current Money say Sterling instead of April insert March and instead of June say May.	U. H. J. Liber No. 36 Oct. 18
p 41. & 42. §119.	Instead of June Insert May.	
§120.	Instead of the Twentieth of August" say the last day of June.	
§121.	Instead of Current Money of this Province" Say Sterling" and instead of twelve Shillings and six pence" Say Seven Shillings and Six pence Sterling"	
p 43. §123.	Instead of Nine pence say five pence half penny Sterling	
p 43. §125.	Instead of the Table regulating the Value of Gold Coins, insert a Clause directing that in all Cases where Persons are allowed by Act to discharge Tobacco Fees in Money a Spanish Pistole weighing four Penny weight six grains shall be a legal Tender in Discharge of 216 ℔s of Tobacco, That half a Johannes shall be a legal Tender in Discharge of 460 ℔s of Tobacco and that a penny weight of any other Gold (German excepted) shall be a legal Tender and be Taken in Discharge of Fifty pounds of Tobacco by all Officers and others to whom such Tobacco Fees may during the Continuance of this Act become due, and requiring the several Sheriffs to receive the same from the People and account with the Officers and other Persons accordingly	p. 119
p 43. §126.	Leace out the 126 Section	
p 44. §131.	Instead of Nine pence say five pence half penny sterling	
p 45. §133.	Instead of Nine Pence say five pence half penny Sterling.	
	Leave out 138. & 139 Sections	
p 45. §140.	Instead of April say March and instead of August say the last Day of June,	

All the supplementary Acts which have been made since the Inspection Law relative thereto or such parts thereof as may be thought Necessary should be made a part of the Act.

Adjourned till to Morrow Morning ten of the Clock

Wednesday Morning 19th Oct.^{r} 1763 Oct. 19

This house met again according to Adjournment

U. H. J. Liber No. 36 Oct. 19

Present as Yesterday

Read the Petition of the Visitors of Baltimore County School praying A Bill to dispose of the free school Lands with the Improvements Rejected—The Petition of Several the Inhabitants of Baltimore County praying a Town may be erected near the Mouth of Susquehannah in the said County and called Charlotte Town, Rejected Read the Petition of Lewis Lee of Cecil County and Sundry Inhabitants of Baltimore County praying a Road might be laid out in Baltimore County Rejected—Read the Petition of the Rector and Vestrymen of William and Mary Parish in S.^{t} Mary's County praying A Bill to lay out part of M.^{r} Urquharts Parish and that it may be immediately annexed to Allfaith's Parish Rejected—Read the Petition of Richard Richardson Eldest surviving Son of Richard Richardson late of Frederick County enabling Some Person to sell the Lands and make Distribution thereof agreeable to the Will of the Testator—Read the Petition of the Rector and Vestry of All Faiths Parish in S.^{t} Marys County—refered and sent by Benedict Calvert Esq.^{r}

Adjourned till 3 of the Clock in the afternoon

Eodem Die Post Meridiem

This House met again according to Adjournment

p. 120 Present as in the Morning

Adjourned till to Morrow Morning ten of the Clock

Oct. 20 Thursday Morning 20th Oct.^{r} 1763

This house met again according to Adjournment

Present as Yesterday

Read the Petition of Draper Lusby and Frances his Wife Exe and John Hynson late of Kent County and M.^{rs} Bryan of Kent County

Read the Petition of Daniel Cresap Michael Cresap John Walker Nathan Triggs William Young Abraham Richardson & Ezekiel Johnson

Read the Petition of James Davis of Frederick County refered and sent By Benedict Calvert Esq.^{r}

Read the second time the Bill Entituled a supplementary Act to the Act for the Relief of Creditors and to prevent Frauds and Deceits Occasioned by secret Sales and Mortgages and Gifts of Goods and Chattels passed and sent by John Ridout Esq.^{r}

Read the Second time the Bill Entituled an Act for prohibiting all Trade with the Indians for the time therein mentioned and will pass with the following Amendments in 2^d^ line of 2^d^ page Leave out these Words Viz.^t^ and shall immediately upon Seizure become the Property of the Person or Persons so seizing the same Goods Wares Commodities and Merchandizes shall at the next County Court to be held for the County wherein such seizure shall be made give Information to the Court who are hereby ordered and impowered to condemn the same Goods to be sold at Publick Auction and the Money arising from such Sale after deducting the Costs and Charges of such Condemnation and sale to be paid to the Person or Persons so seizing the same Goods or if the seizure is made out of the Province then the Goods to be brought within this Province & Prosecuted and condemned at the Next Court that shall be held for the County next adjacent to the place where the seizure shall be made, in the 7.^th^ Line of the same page after the Word Indian insert these Words Woman or Child any Gunpowder Shot or Lead whatsoever nor to any Indian Man and in the 11.^th^ Line instead of the Words as aforesaid insert the following in the County Court where the Offence shall be committed together with the Cost of Suit & sent by John Ridout Esq:^r^ U. H. J. Liber No. 36 Oct. 20

Adjourned till 3 of the Clock in the afternoon

Eodem Die Post Meridiem

This house met again according to Adjournment

Present as in the Morning and Daniel Dulany Esq.^r^ p. 121

Adjourned till to Morrow Morning ten of the Clock

Friday Morning 21.^st^ Oct.^r^ 1763 Oct. 21

This house met again according to Adjournment

Present as Yesterday

Adjourned till 3 of the Clock in the afternoon

Eodem Die Post Meridiem

This house met again according to Adjournment

Present as in the Morning

Adjourned till to Morrow Morning ten of the Clock

Saturday Morning 22^d^ Oct.^r^ 1763 Oct. 22

This house met again according to Adjournment

Present as Yesterday

Adjourned till 3 of the Clock in the afternoon

U. H. J.
Liber No. 36
Oct. 22

Eodem Die Post Meridiem

This house met again according to Adjournment

Present as in the Morning

Read the Petition of John Stone Hawkins of Prince Georges County praying A Bill may be brought to divorce him from his Wife and allow her a Maintenance during Life and sent to the Lower House by Stephen Bordley Esq:r

Read the Petition of the Visitors of Talbot County Free School praying a Bill may be brought in to sell Lands and a House in the said County and referred for further Consideration

Read the Petition of the Rector Vestrymen and Church Wardens and Parishioners of S.t Andrews Parish in S.t Mary's County referred and Sent by John Ridout Esq.r

Adjourned till Monday Morning ten of the Clock

Oct. 24 Monday Morning 24.th Oct.r 1763

This house met again according to Adjournment

Present

Benjamin Tasker Esq:r
Benedict Calvert Esq.r
Daniel Dulany Esq.r
John Ridout Esq:r
Philip Key Esq:r

Adjourned till 3 of the Clock in the afternoon

p. 122 Eodem Die Post Meridiem

This house met again according to Adjournment

Present as in the Morning

Adjourned till to Morrow Morning ten of the Clock

Oct. 25 Tuesday Morning 25.th Oct.r 1763

This house met again according to Adjournment

Present as Yesterday

The following Message is brought by Mess:rs Murdock & Paca

By the Lower House of Assembly 25.th Oct.r 1763

May it Please Your honours

We have taken your Message of the 18th Instant, and the Remarks on the Inspection Law, [*The message which begins thus, is printed in full in the Lower House journal pp. 333-338*]

p. 126 Adjourned till 3 of the Clock in the afternoon

Eodem Die Post Meridiem

U. H. J.
Liber No. 36
Oct. 25

This house met again according to Adjournment

Present as in the Morning

Adjourned till to Morrow Morning ten of the Clock

Wednesday Morning 26th Oct.r 1763 Oct. 26

This house met again according to Adjournment

Present as Yesterday

A Bill from the Lower House by Mess:rs Magruder and Chaplin Entituled An Act for giving a Bounty for taking Indian Prisoners and other Purposes therein Mentioned

By the Lower House of Assembly 25th. Oct.r 1763

Read the first time and ordered to lye on The Table

signed ꝑ Order MMacnemara Clk Lo. Ho.

By the Lower House of Assembly 26.th Oct.r 1763

Read the second time and will pass

signed ꝑ Order MMacnemara Clk Lo Ho

Read the first time in this House and ordered to lye on the Table p. 127

A Bill from the Lower House by Mess.rs Gant and Warren Ent.d An Act to impower John Paca Robert Adair Moses Hill and Margaret his Wife to sell and dispose of the Lands therein mentioned late the Lands of William Hammond of Baltimore County deceased for Payment of the Debts of the said William Hammond thus Endorsed

By the Lower House of Assembly 25.th Oct.r 1763

Read the first time and ordered to lye on the Table

signed ꝑ order MMacnemara Clk Lo. Ho.

By the Lower House of Assembly 26.th Oct.r 1763

Read the Second time and will Pass

signed ꝑ order MMacnemara Clk Lo. Ho.

Read the first time in this house and ordered to lye on the Table

Adjourned till 3 of the Clock in the afternoon

Eodem Die Post Meridiem

This House met again according to Adjournment

Present as in the Morning

A Bill by from the Lower House by Mess:rs Baker & Pearce Entituled An Act to aid the Proceedings of the Vestry of S.t Stephens Parish in Cecil County thus Endorsed

By the Lower House of Assembly 22.d Oct.r 1763

U. H. J. Liber No. 36 Oct. 26 Read the first time and ordered to lye on the Table

signed ℘ order MMacnemara Clk Lo. Ho.

By the Lower House of Assembly 26. Oct.^r 1763

Read the second time and will Pass

signed ℘ order MMacnemara Clk. Lo. Ho.

Read the first time in this house and ordered to lye on the Table

Read the Petition of the Rector Church Wardens Vestrymen & others Inhabitants of King Georges Parish in Prince Georges County praying A Sum of Three hundred and fifty Pounds may be levied upon them towards enlarging the Church in the Said Parish referred and Sent by Benedict Calvert Esq.^r

Adjourned till to Morrow Morning ten of the Clock

Oct. 27 Thursday Morning 27th. Oct.^r 1763

This house met again according to Adjournment

Present as Yesterday

Read the Petition of the Inhabitants of Christ Church Parish on Kent Island in Queen Ann's County praying A Bill may be brought in to take off so much from S.^t Pauls Parish as will make up a Competency for a Minister of Christ Church Parish to reside therein Rejected. p. 128

A Bill from the Lower House by Mess:^rs Tilghman and Hall Ent.^d an Act for Tryal of All Matters of Fact in the several Counties where they have arisen or shall arise thus Endorsed

By the Lower house of Assembly 27th. Oct.^r 1763

Read the first and second time by an Especial order and will pass

signed ℘ order MMacnemara Clk. Lo. Ho.

A Bill from the Lower House by Mess:^rs Wilmer and Ringgold Ent.^d An Act to confirm the Sale of Certain Land lying in Eastern Neck Island in Kent County by Draper Lusby and Frances his Wife Excēx of John Hynson deceased to Matthew Bryan thus Endorsed

By the Lower House of Assembly 27.th Oct.^r 1763

Read the first and second time by an Especial order and will pass

signed ℘ order M Macnemara Clk. Lo. Ho.

Adjourned till 3 of the Clock in the afternoon

Eodem Die Post Meridiem

This House met again according to Adjournment

Present as in the Morning

U. H. J.
Liber No. 36
Oct. 27

Read the Petition of the Inhabitants of the Upper part of Westminster Parish in Ann Arundel County and the Petition of the Vestrymen Churchwardens and Sundry Parishioners of S.^t^ Margarets Westminster Parish in Ann Arundel County praying a Bill for building a Chappel in the Said Parish

Two Engrossed Bills from the Lower House by Col.° Tilghman and M.^r^ Dent Viz. An Act for giving a Bounty for taking Indian Prisoners and other purposes therein Mentioned and An Act for Prohibiting all Trade with the Indians for the time therein mentioned, thus Subscribed

Read & assented to by the Lower House of Assembly 27. Oct.^r^ 1763

signed ꝑ order MMacnemara Clk. Lo. Ho

Read and assented to by this House and ordered to be so Subscribed

Adjourned till to Morrow Morning ten of the Clock

Friday Morning 28th. Oct.^r^ 1763

Oct. 28

This house met again according to Adjournment

Present as Yesterday

p. 129

Read the Second time the Bill Entituled An Act for the Advancement of Justice and with the following Amendments will pass 2.^d^ Page 5.^th^ Line from the Bottom leave out the Words to plead to issue the first Court and so to the End of that page and instead thereof insert the following Words to proceed to tryal the same Court and if Def.^t^ shall refuse or neglect to Answer or plead to render Judgment for the Plantiff with Cost of Suit unless Sufficient Cause be shewn by the Defend.^t^ why there should be an Impartance after the Word dispute, in the 2^d^ Line of 3^d^ Page instead of the Words shall not exceed the Sum of Twenty Pounds Sterling Money or five thousand Pounds of Tobacco Insert the following Words Viz.^t^ is not of Sufficient Value to run the Same into Chancery, after the Words have in 4th. Line of 4th. Page insert the following Words Viz.^t^ in his own Name as Assignee after the Word had in 6th. Line of 4th Page insert the following Words, Viz.^t^ the said assignment being first recorded in the same Court wherein the Judgment shall have been rendered or obtained and in 6th Line from the Bottom of the same Page before Proceeding put equitable Course or after the Word mentioned in 5th. Line of 5th Page insert the following Words in Case the said assignee hath not been nor shall be a Surety in the Bond or obligation assigned to him as aforesaid after the Word assignee in the 10th Line of the Same Page insert

U. H. J. Liber No. 36 Oct. 28 the following Words, upon any Assignment wherein the Obligee or Obligees may be liable under this Act upon the Default of the Obliger or Obligers as aforesaid Leave out last Clause in the Bill, sent by Dan.[l] Dulany Esq:[r]

Adjourned till 3 of the Clock in the afternoon

Eodem Die Post Meridiem

This house met again according to Adjournment

Present as in the Morning

Adjourned till 10 of the Clock to Morrow Morning

Oct. 29 Saturday Morning 29th. Oct.[r] 1763

This house met again according to Adjournment

Present as Yesterday

The following Message is sent by John Ridout Esq:[r]

By the Upper House of Assembly 29th. Oct.[r] 1763.

Gentlemen

p. 130 As we observe by your Message of the 25th that you admit the Propriety of some of our Remarks on the Inspection Law communicated to you the 18th Inst:[t] and that you are Willing to pay due regard thereto in framing a New Bill, We shall, in order to prevent the session being protracted to such a Length as it might be, were the two Houses to enter into a dispute by Messages about the expediency of the Several alterations which both we and you have mentioned as proper to be adopted in a new Inspection Law, Communicated to you in a few Words our Opinion with regard to the Alterations proposed. Altho we are Still of Opinion that it would be for the Advantage of the Planter to Shorten the time for closing the Inspection in the manner we proposed, as by this Regulation the Damage attending a Winter Passage would be prevented, the Expence of Freight consequently lessened, the Benefit of the European Markets Secured, and of Course the Produce of the Tobacco the Sooner Answerable to the orders of the Consignor, however should You upon mature Consideration choose to extend the time to the 20th. of July we consent that the 20th of July should be Subsituted in the Place of the last of June If You have any reason to think that by leaving out the Seventy Second and Seven following Sections or the One hundred and thirty eighth, Any Artfull designing Creditors may take the Advantage of an honest and unwary Debtor it is our own desire that either those Sections may be continued or that some Proper Clause may be inserted in a new Bill that will effectually prevent the Success of such villainous attempts as our Sole design in Leaving them out was to Shorten the Law as much as Possible,

U. H. J.
Liber No. 36
Oct. 29

on a Presumption that it has already Subsisted fifteen Years there would not now remain any room for evasion We think that the Justice due to those who are entitled to receive Tobacco in Worcester County requires the Suppression of Baltimore Warehouse So inconvenient is the Situation of it that those who are paid Tobacco there are put to the Expence of at least 25 s ℘ Hogshead to carry it to Navigable Water and as there is an allowance of ten per Cent, for Conveniency, the Purchasers of that Conveniency ought to have it We apprehend that the expence of Shrinkage as it is now regulated is too great and recommend to You the following Clause, in the new Bill by which the Clergy and others Entituled to the Payment may not be compellable to receive a Transfer Note in payment after three Months from its Date

As We have been informed that Crop Tobacco has remained in Some Warehouses from the first Year of the Inspection to the Present time without any claim or Demand We submit it to your p. 131 Consideration whether it might not be expedient, after Tobacco shall have remained three Years after the Inspection thereof and no claim or Demand made or Notice given to the Inspectors by the Proprietor to direct the Inspectors to make a return of all Tobacco under such Circumstances to the Next November Court after the Expiration of the said three Years and then expose to Sale the same together with the Transfer then liable to be Sold and that what shall arise from the Sale thereof be applied to the Use of the County wherein the Warehouse shall be, and that the Same be repaid by the said County to the Proprietor of the Tobacco in Case any should afterwards appear to Claim and make out his Property in the Said Tobacco to the Satisfaction of the Justices of the Said County, To the first fifteen Amendments that You propose and the Twentieth We have no Objection nor to the Nineteenth so far as it relates to Crop Notes

We will adopt your 16.th & 18.th Proposition if You confine the Execution of the Duty to the Justices who may attend to discharge it and pay them the same as they are allowed for their attendance at the County Courts and We do reject your 17th. as not at all necessary.

It was our Intention when we Proposed to insert Sterling throughout the Law instead of Currency to rate Dollars at four Shillings and Six pence Each and to make them a Legal Tender in Discharge of Sixty Pounds of Tobacco to all Persons who should under the Proposed Act have a right to receive either Sterling Money or Tobacco, so that the People if a Clause to this Purpose is inserted would not with regard to the payment of Officers Fees and the Thirty Per Poll have the least reason to be dissatisfied and if you think fit to regulate the Inspectors Sallaries in Sterling Payable also in Dollars at four Shillings and Six pence each we Shall readily

U. H. J. Liber No. 36 Oct. 29 agree Thereto, If Gentlemen upon Consideration of what we have now offered you shall now be of Opinion that a Law Framed agreeable to such of your amendments as we adhere to of which, what relates to the regulation of Dollars is one and such of your Propositions as we agree to, will be advantagious to the Inhabitants of this Province we shall be ready to appoint some Members of this House to join Some of Yours in order to frame such a Bill, or to receive p. 132 Such a Bill from Your House

Sign'd ꝑ Order John Ross Clk Up.r Ho

A Bill from the Lower House by M.r Tilghman and 6 Others Entituled An Act for Establishing a College or Seminary of Learning within This Province thus Endorsed

By the Lower House of Assembly 24th Oct.r 1763

Read the first time and ordered to lye on the Table

signed ꝑ order MMacnemara Clk. Lo. Ho.

By the Lower House of Assembly 28th. Oct.r 1763

Read the second time and will pass

signed ꝑ Order MMacnemara Clk. Lo. Ho.

Read the first time in this house and ordered to lye on the Table

Read the Petition of the Rector Vestrymen Churchwardens and others the Parishioners of Allfaiths [sic] Parish in Frederick County praying A Bill to raise 600 Pounds Current Money by three Equal Assessments on the Inhabitants below Manococy to repair the Chappel in the Said Parish—referred and sent by Daniel Dulany Esq.r

Adjourned till 3 of the Clock in the afternoon

Eodem Die Post Meridiem

This house met again according to Adjournment

Present as in the Morning

Adjourned till Monday Morning ten of the Clock

Oct. 31 Monday Morning 31.st Oct.r 1763

This house met again according to Adjournment

Present

The honourab.le	Benjamin Tasker Esq.r	Stephen Bordley Esq.r
	Benedict Calvert Esq.r	John Ridout Esq.r
	Daniel Dulany Esq.r	Philip Key Esq.r

Eleven Engrossed Bills from the Lower House by Mess.rs Thomas and Chaille An Act for Prohibiting all Trade with the Indians, for the time therein Mentioned. An Act continuing an Act, entitled, An Act for relieving the Inhabitants of this Province from some Aggrievances in the Prosecution of Suits at Law, and for continuing the Supplementary Act thereto, An Act continuing An Act, entitled, An Act for increasing the Allowance of Grand and Petit Jurors, who shall attend the Provincial Court, to limit Costs with respect to witnesses, and granting them an Allowance for itinerant Charges, An Act continuing an Act, entitled, a supplementary Act to the Act, entitled, an Act for the Relief of Creditors in England against Bankrupts, who have imported Goods into this Province, not accounted for An Act continuing an Act, entitled, an Act for preventing Indians, disaffected to the British Interest in America, from coming into this Province as Spies, or on any other evil Design, An Act continuing An Act, entitled, An Act to prevent Persons from Secreting Boats, Flatts, and other Vessels, Drove by Stress of Weather, or otherwise, from Landings and Moorings, An Act continuing an Act, entitled, An Act to remedy Some Evils relating to Servants An Act continuing an Act, entitled, An Act prevent Masters of Ships and Vessels from Clandistinely carrying Servants and Slaves, or Persons indebted out of this Province, An Act continuing An Act entitled, A supplementary Act to the Act, entitled, An Act assertaining the height of Fences, to Prevent the Evil occasioned by the Multitude of Horses, and restraining Horse Rangers within this Province, and to redress the great Evil accruing to this Province by the Multiplicity of Useless Horses Mares, and Colts, that run in the Woods An Act continuing An Act, entitled, An Act for the gauge of Barrells, for Pork, Beef, Pitch, Tar, Turpentine, and Tare of Barrells for Flour, or Bread, A supplementary Act to the Act for the relief of Creditors, and to prevent Frauds and Deceits, occasioned by Secret Sales and Mortgages, and gifts of Goods and Chattels, thus Subscribed

U. H. J.
Liber No. 36
Oct. 31

p. 133

31.st Oct.r 1763.

Read and assented to by the Lower House of Assembly

signed ꝑ Order MMacnemara Clk. Lo. Ho.

Read and assented to by this House and ordered to be so Subscribed

A Bill from the Lower House by Mess:rs Ringgold and Hall Ent.d An Act for the Adjournment of Baltimore County Court thus Endorsed

By the Lower House of Assembly 31.st Oct.r 1763

Read the first and Second time by Especial Order and will Pass

signed ꝑ Order MMacnemara Clk. Lo. H.

Read the first and second time by Especial Order in this House and will pass the Word therein being added after the Word Duty in the 3d Line and sent by Stephen Bordley Esq.r

U. H. J. Liber No. 36 Oct. 31 Read the Petition of Several the Inhabitants of Baltimore Town in Baltimore County praying for an Establishment of a Market in the said Town referred and Sent by John Ridout Esq.^{r}

p. 134 Adjourned till 3 of the Clock in the afternoon

Eodem Die Post Meridiem

This house met again according to Adjournment

Present as in the Morning

A Message from the Lower House by M.^{rs} Hammond & Hall

By the Lower House of Assembly 31.st Oct.^{r} 1763

May it Please your Honours

In answer to yours of the 29th. we adhere to our Proposal of closing the Inspection [*The message which begins thus is printed in full in the Lower House journal pp 348-350*]

p. 136 An Engrosed Bill from the Lower House by Mess:^{rs} Ringgold and Entituled An Act for the Adjournment of Baltimore County Court thus Subscribed 31.st Oct.^{r} 1763.

Read and assented to by the Lower House of Assembly

signed ꝑ Order MMacnemara Clk. Lo. Ho.

Read and assenented to by this House and Ordered to be so Subscribed the Paper Bill so endorsed is sent by Benedict Calvert Esq.^{r}

Benedict Calvert and Stephen Bordley Esquire are Sent by the Governor to Require the Attendance of the Speaker with the Lower House to see the Bill for the Adjournment of Baltimore County Court receive the Assent the Lower House accordingly Attend and by their Speaker present to his Excellency the Bill Ent.^{d} An Act for the Adjournment of Baltimore County Court which he Passed into a Law in the Usual form by Sealing it with the Right Honourable the Lord Proprietary his Great Seal at Arms and Subscribing it on behalf of the Right Honourable the Lord Proprietary of this Province I will this be a Law

Adjourned till to Morrow Morning ten of the Clock

Nov. 1 Tuesday Morning 1.st November 1763.

This house met again according to Adjournment

Present as Yesterday

Adjourned till 3 of the Clock in the afternoon

Eodem Die Post Meridiem

This house met again according to Adjournment

Present as in the Morning and Richard Lee Esq:r U. H. J. Liber No. 36 Nov. 1

Adjourned till to Morrow Morning ten of the Clock

Wednesday Morning 2.d November 1763. Nov. 2

This house met again according to Adjournment

Present as Yesterday

By the Lower House of Assembly 2d November 1763

Resolved that on all Bills drawn on Petition to be presented to this House containing Matters of Fact Necessary to be Proved in p. 137 Order to obtain the End prayed for by the said Petition, the Proof Necessary to Make the said Facts appear Shall be ready to be produced to this House on the Second reading of the Bill drawn for that Purpose

Read the Second time the Bill Entituled An Act to impower John Paca, Robert Adair, Moses Hill, and Margaret his Wife, to sell & dispose of the Lands therein mentioned, late the Land of William Hammond of Baltimore County deceased, for the Payment of the Debts of the said William Hammond.

Passed and Sent by Richard Lee Esq.r

Read the Second time the Bill Ent.d An Act to Confirm the Sale of certain Land lying in Eastern Neck Island in Kent County by Draper Lusby and Frances his Wife Execx of John Hynson deceased to Matthew Bryan and will pass with the following Amendments after the Word Island in the fifth Line Leave out these Words as in his said Will is discribed" and insert the following discribed in his said Will as follows all that Part of my Land in Eastern Neck Island that lies to the Eastward of a Line drawn to the Southward from abounded Red Oak that Stands near the main Road between the fresh Pond and the Calf Pasture Creek and near where Samuel Munjar now lives to abounded Post at the head of a gutt issuing out of Chester River and which is a division between my Brother Charles and my Self and also of a Line drawn Northerly from the said Oak to the head of the gutt of Calf Pasture Creek and also to the Eastward of the said Creek and sent by John Ridout Esq.r

Stephen Bordley and John Ridout Esquires Present to His Excellency the Address of this House in the Words following

To His Excellency Horatio Sharpe Esq.r Governor and Commander in Chief in and over the Province of Maryland

The humble Address of the Upper House of Assembly

May it Please your Excellency

To accept the thankfull Acknowledgements of this house for your kind Complyance with the request we took the Liberty to make to

U. H. J. Liber No. 36 Nov. 2 p. 138 your Excellency by our Yesterdays Address and to believe that we shall be so far from desiring you to pass into a Law, any Bill which might be deemed repugnant to an Act of Parliament or likely to expose your Excellency to the displeasure of his Majesty or the Lord Proprietary, that we are determined on our parts never to give our assent to such a Bill and we beg to assure your Excellency that it will give us the highest pleasure to know that your Conduct on all Occasions meets (as we are confident it will deserve) with the Approbation of our most gracious Sovereign as well as of the Lord Proprietary at the same time that it renders you dear to the People over whom you are appointed to preside,

Benjamin Tasker President.

Adjourned till to Morrow Morning ten of the Clock

Nov. 3 Thursday Morning 3^{d} Nov.^{r} 1763.

This house met again according to Adjournment

Present as Yesterday

A Bill from the Lower House by Mess:^{rs} Harris & Allen Entituled A supplementary Act to the Act Entituled An Act for Erecting a County school in Worcester County and appointing Visitors for the same thus Endorsed

By the Lower House of Assembly 26th Oct.^{r} 1763

Read the first time and Ordered to lye on The Table

signed ꝑ Order MMacnemara Clk Lo. Ho

By the Lower House of Assembly 2.^{d} Nov.^{r} 1763

Read the second time and will pass

signed ꝑ Order MMacnemara Clk. Lo. Ho.

Read the first time in this house and Ordered to lye on the Table

The Governor is pleased to communicate to this House the following Message

Gentlemen of the Upper House of Assembly

In answer to the Address you were pleased yesterday to present to me I must Inform you that I am by the Kings Instructions required to pay strict Obedience to the Statute which was made in the sixth Year of the Reign of Queen Ann for ascertaining the Rates of foreign Coins in these Plantations, and as I find by Several which have been given me since I assented to a Continuance of the Inspection Law that the Clause inserted therein relative to the regulation of Coin hath been Deemed at home repugnant, to the p. 139 above mentioned Act of Parliament, and that were I to assent hereafter to any Act Rating the Coins Specified in that Statute higher than they are thereby rated I should run the greatest Risk of Incurring His Majesty's as well as the Lord Proprietary's Displeasure, I cannot venture to assent to a farther continuance of the Inspection Law however usefull and advantageous for the Province I may think the other parts of it unless that Particular Clause be altogether left out or altered in some manner or other to obviate the objection that has been made to it

Horatio Sharpe

Adjourned till 3 of the Clock in the afternoon

Eodem Die Post Meridiem

This house met again according to Adjournment

Present as in the Morning

The following Message is sent by Benedict Calvert Esq.r
Gentlemen

By the Upper House of Assembly 3.d November 1763.

Altho' we are still of Opinion, for the weighty Reasons given in our last Message, that the 20.th of July would be a more proper time of Closing the Inspection, than the last of that Month, Yet we shall acquiesce under your Determination of that Matter.

We also admit that Transfer Notes Shall be received in payment by the Clergy and Others after three Months from their Date

We do not agree to the Naming of the Representatives of the Counties for the purpose mentioned in our Proposition, for we have no doubt, but that the Justices are Sufficiently qualifyed to do their Duty, & that this part of the proposed Act would be executed by them faithfully, without the Assistance of the Representatives.

What You mean by the General Expressions contained in the next change of Your Last Message, we do not clearly understand, They are extensive enough to comprehend a great Deal, or may, perhaps, be interpreted in a more limitted Sense.

p. 140 Should it be directly asserted as a Fact that the People in general Loudly complain of the illegal Exactions of Officers, it would greatly, Surprise us, not having heard of any such Complaints, and being, moreover, induced by the Strangest Reasons to believe that, if there are such Long Complaints, They are utterly devoid of all Reasonable grounds.

What Clamours there may be in any corner of the Province, or what Foundation there may be for them in the Misconduct of any Particular Person, or whether they have not really flowed from Ignorance, or been excited by Misrepresentation, we have no Evidence to direct our Judgments.

U. H. J. Liber No. 36 Nov. 3 We know that if an Officer hath been guilty of any illegal Exaction He may be punished, and that the Law, without adopting your Proposition, is Sufficient for that purpose we know too that the Officers do not deserve to be generally branded as Extortioners, & Oppressors, and that on the Contrary, They are as respectable for their Characters of Probity and Humanity, as any other Gentlemen in the Province, & That they ought not to be harrassed to humour Ignorance, & Credulity, gratify Envy, or appease the Malevolance of Enmity, we therefore reject your Proposition on this Head as in that part of your Message relative to the maney, wherein you say that the gold Coins by our Proposed Alteration will not pay any of the Charges of Inspection You have mistaken Our meaning, which was, that Gold as well as Dollars might be applyed to defray all the Charges of Inspection.

We can see no reason, why you Should be so Solicitious to Secure the Alternative in paying paper Money, or Gold or Silver, at this time it can be of no Possible Benefit to the People, because no one, of the very few who possess paper-money, can be imagined to be so regardless of his Interest as to part with it at a great and certain Loss, and the Insisting upon a Provision to be made now for the payment of paper-money, which may be hereafter remitted under some future Law, when there can be no absolute Certainty that any such Emission will take place, & the Terms of it, should be one, can't at present be foreseen, is very far from being apparently Expedient, especially as that Matter may with Propriety be deferred, till the Consideration of the general Expediency of a new Emission of Paper-Money Shall come before the Assembly, For these Reasons, it is, in Our Opinion a Point of Slight Consequence to the People, whether the Alterations now given, or not; But however we might be inclined to yield to your Desires in this Article were no other Persons, than You and ourselves concerned in the passing of Laws, yet as the Power of Legislation is differently constituted, and liable to other Controwl, We must Ultimately adhere to what we have Signifyed in this, and our former Messages with respect to the Money. p. 141

Upon our Recollection of what passed in March session 1755 and considering that the present Inspection Law was near expiring, we understood the general Expressions in that Point of the Governor's Speech at the Opening of this Session, in which He recommended it to the two Houses to Consult by what means the Trade, and Commerce of this Province might be Promoted, and encouraged, Consistent with the Laws of Great Britain, to point at the Inspection Act and the Clause in it rating foreign Silver Coin and upon our application to his Excellency we are Satisfied by his Answer that He is so restricted as that he cannot consistent with prudence and the Obedience He owes to His Majesty & the Lord Proprietary give his assent to a new Bill, which Should rate the Species of Coin Mentioned in the Statute of the 6.th of Queen Ann higher than they are by that Statute rated as a Currency because such a Regulation hath been Deemed in England to be repugnant to the said statute U. H. J. Liber No. 36 Nov. 3

When therefore we so clearly see a Rock, upon which, if not avoided, the Law must be lost, we thought it the most Prudential Part we could take in order to preserve An Act so beneficial to the People, &, now become so necessary, to propose an Amendment, as would not, in the Opinion of any one, contravene the Statute, and make especially, as every Advantage would at the Same time be Effectually secured by it to the People

Upon the whole Gentlemen, as a regard is due to the Opinion of others without whose concurrence the Bill can't pass into a Law, and all matters may be easily conciliated, and every essential advantage secured to the Province, the affair rests with you for your mature Consideration, whether you will agree to the Framing of a Bill in such a manner as may bring about the passage of it, and intitle the People to the Numberless Benefits They must derive from it, or whether, because the mode you are inclined to adopt, cant be established, You will chuse to drop the Law altogether, By which Step not to mention the Difficulty there would then be of Complying with the Statute of the 24.th of George the 2.d nor to enter into a particular Enumeration of all the Disadvantages and mischiefs which would necessarily ensue from it, the Coins Specified in the Statute p. 142 of the 6..th Queen Ann would not pass at all, but, as a Currency at the Rate of 33⅓ upon it's intrinsick or Sterling Value, and by which the Foundation, Whereon many of our commercial Transactions stand, would, indeed, be destroyed,

signed ꝑ order John Ross Clk. Up. Ho.

Adjourned till to Morrow Morning ten of the Clock

Friday Morning 4th. November 1763 Nov. 4

This house met again according to Adjournment

Present as yesterday

Adjourned till 3 of the Clock in the afternoon

Eodem Die Post Meridiem

This house met again according to Adjournment

Present as in the Morning

Read the Petition of Several the Inhabitants near the Frontiers of Frederick County praying a Bill may be brought in to raise a number of Men for the Defence of the Said Frontiers Passed and sent by Ben.t Calvert Esq.r

Adjourned till to Morrow Morning ten of the Clock

U. H. J.
Liber No. 36
Nov. 5

Saturday Morning 5.th November 1763

This house met again according to Adjournment

Present as Yesterday

The Governor is pleased to communicate to this house the following Message

Gentlemen of the Upper House of Assembly

M.r Thomas Cresap who lives in the Western Part of Frederick County having represented to me since the last session of Assembly and before the Indians recommenced hostilities again these Colonies that Parties of the Six Nations who were then considered as Friends frequently called at his House on their Excursions to the Southward and insisted on his supplying them with Provisions and other necessaries, I recommended it to him to furnish such parties with the Provisions he should think necessary for them, and encouraged him at the Same time to expect that as his doing so was the only way to prevent their committing Depredations on the Frontier Inhabitants, p. 143 reasonable Satisfaction would be made him for such Provisions at the next meeting of the Assembly if therefore he shall exhibit a proper Account to shew what Expence he has been necessarily put to by such parties of Indians calling at his house I hope You will Admit his Claim on the Publick and agree with the Gentlemen of the Lower House to make him a reasonable Allowance

5th November 1763 Horatio Sharpe

Adjourned till 3 of the Clock in the afternoon

Eodem Die Post Meridiem

This house met again according to Adjournment

Present as in the Morning

Two Bills from the Lower House by Mess:rs Key and Adams One Ent:d An Act for the Security of Purchasers and Others being Protestants claiming by or from Aliens—A Supplementary Act to the Act Entituled for emitting and making Current 90,000£ Current Money of Maryland in Bills of Credit thus Endorsed

By the Lower House of Assembly 27.th Oct.r 1763.

Read the first time and Ordered to lye on the Table

signed ꝑ Order MMacnemara Clk. Lo. Ho.

By the Lower House of Assembly 3.d Nov.r 1763.

Read the second time and will Pass

signed ꝑ Order MMacnemara Clk. Lo. Ho

Read the first time in this House and ordered to lye on the Table

An Engrossed Bill from the Lower House by Mess:^{rs} Worthington & Baker Ent.^{d} An Act to aid the proceeing of the Vestry of S.^{t} Stephen's Parish, in Cecil County, thus Subscribed U. H. J. Liber No. 36 Nov. 5

Read and Assented to by the Lower House of Assembly

signed ꝑ Order MMacnemara Clk. Lo. Ho.

To His Excellency Horatio Sharpe Esq.^{r} Governor and Commander in Chief in and over the Province of Maryland

The humble Address of the Upper House of Assembly

May it Please your Excellency

A Bill for Prohibiting Trade with the Indians having been Framed in Consequence of the Messages You were pleased to send to both p. 144 Houses the 5th. of last Month together with the Letter from S.^{r} Jeffery Amherst to your Excellency we take the Liberty to inform you that it hath met with our Concurrence and we hope is such a One as your Excellency will be pleased to Pass into a Law

Benjamin Tasker President

Adjourned till Monday Morning ten of the Clock

Monday Morning 7th. November 1763. Nov. 7

This house met again according to Adjournment.

Present

The honourab.^{le}
Benjamin Tasker Esq.^{r}
Benedict Calvert Esq.^{r}
Richard Lee Esq.^{r}
Daniel Dulany Esq.^{r}
Stephen Bordley Esq.^{r}
John Ridout Esq.^{r}
Philip Key Esq.^{r}

Adjourned till 3 of the Clock in the afternoon

Eodem Die Post Meridiem

This House met again according to Adjournment

Present as in the Morning

Adjourned till to Morrow Morning ten of the Clock

Tuesday Morning 8th. November 1763. Nov. 8

This House met again according to Adjournment.

U. H. J. Liber No. 36 Nov. 8

Present as Yesterday

A Message from the Lower House by Mess:rs Murdock & Johnson

By the Lower House of Assembly 8.th Nov:r 1763

May it Please your Honours

We doubt not but the Justices are Sufficiently Qualifyed to do the duty [*The Message beginning thus is printed in full in the Lower House journal pp. 360-362*]

p. 146 Adjourned till 3 of the Clock in the afternoon

Eodem Die Post Meridiem

This house met again according to Adjournment

Present as in the Morning

Three Bills from the Lower House of Assembly by Mess:rs Gant & Warren One Entituled A supplementary Act to the Act Entituled an Act relating to the Standard of English Weights and Measures—An Act for the more effectual securing of Orphans Estates—An Additional supplementary Act to the Act Ent.d An Act for quieting Possessions Enrolling Conveyances and securing the Estates of Purchasers—severally thus subscribed

By the Lower House of Assembly 4th. November 1763

p. 147 Read the first time and ordered to lye on the Table

By the Lower House of Assembly 8th. November 1763

Read the Second time and will Pass

signed ℘ Order MMacnemara Clk. Lo. Ho.

Read the first time in this house and ordered to lye on the Table

The following Message is Sent by Benedict Calvert Esq.r

By the Upper House of Assembly 8th. November 1763

Gentlemen

The Impracticability of retaining, in the Proposed Bill, the Regulation of Money inserted in the present Inspection Law being perceived by You, we hope that an Agreement between the two Houses by which a Law so desirable to every Degree of People in this Province from its confessed general Utility may be obtained is at no great Distance The Proposition contained in your last Message is liable to the Insurmountable objection of being an Infringement of the Statute for if a direct and pointed violation of the words of it can't be admitted, neither is it to be presumed, or reasonably Expected that the Sanction of a final assent will be given to a Bill Studiously evasive of the Letter, and apparently opposite on the most Cursery view, without the Aid of any Explication, to the Spirit, & intention of the Act, The Proposition we made would, we flattered ourselves, after being maturely considered in all its Consequences, be accepted, or that, perhaps, some other Method conducive to the Case and Satisfaction of the People and not repugnant to the Statute might occur, which we assure you would be adopted by Us with the greatest Alacrity. The same Design appearing to be reciprocally entertained by both Houses, we cannot but indulge the most sanguine Expectation that, a nearer Intercourse and more explicit Communication of Sentiments may easily Effectuate it, and the Law, so Usefull and necessary, be obtained upon the most favourable Terms for the Convenience of the Province, consistent with the Obedience we owe to the Crown and the Deference due to the Authority of the British Parliament wherefore, and as Difficulties may be Started which can't with Precision, or Propriety be obviated in a Course of Messages and the General Plan of the Bill now seems to be settled between us except one which relates to a single Article, we Propose, if you think proper to Signify your Approbation of the Measure, to Nominate some of our Members to confer upon this Subject with such of Yours, as you shall chuse to appoint U. H. J. Liber No. 36 Nov. 8 p. 148

signed ℘ Order John Ross Clk. Up.r Ho.

Adjourned till to Morrow Morning ten of the Clock

Wednesday Morning 9th. Nov.r 1763 Nov. 9

This House met again according to Adjournment

Present as yesterday and Col:o Lloyd

The following Message is sent by Mess:rs Ringgold & Graham

By the Lower House of Assembly 9th Nov.r 1763

May it Please Your Honours

In Answer to your Message of yesterday By Benedict Calvert Esq.r this House doth Agree to Confer with your Honours on the Subject Matter therein Proposed and in Order thereto hath Appointed M.r Murdock M.r Ringgold M.r Graham M.r Allen M.r John Hall M.r Johnson M.r Key and M.r Hanson as Conferrees from this House who will be ready to join such Members as Shall be appointed by your House for that Purpose

signed ℘ Order MMacnemara Clk. Lo. Ho.

The following Message is sent by John Ridout Esq.r

By the Upper House of Assembly 9.th Nov.r 1763

Gentlemen

This house hath named Daniel Dulany, John Ridout, and Philip Key Esquires to Confer with the Members appointed by your House in your Message of this Day by M.r Ringold and Graham

signed ℘ Order John Ross Clk. Up.r Ho.

Adjourned till 3 of the Clock in the Afternoon

U. H. J.
Liber No. 36
Nov. 9

Eodem Die Post Meridiem

This house met again according to Adjournment

Present as in the Morning

A Bill from the Lower House by Mess:^{rs} Adams & Waters Ent.^{d} An Act for Erecting a Town at the head of Wiccomoco River in somerset County for laying out into Lotts fifty Acres of Land in the Fork thereof and at the Landing formerly called Handys or Carrs Landing thus Endorsed p. 149

By the Lower House of Assembly 3^{d} of Nov:^{r} 1763

Read the first time and Ordered to lye on the Table

signed ꝑ Order MMacnemara Clk. Lo. Ho.

By the Lower House of Assembly, 9th Nov:^{r} 1763.

Read the second time and will Pass

signed ꝑ Order MMacnemara Clk. Lo. Ho.

The following Message is Sent by Mess:^{rs} Addams & Waters

By the Lower House of Assembly 9 Nov:^{r} 1763.

May it please your Honours

We herewith return you the Bill Entituled An Act for the Advancement of Justice and on due Consideration of your Proposed Amendments have agreed to all but the first and Second and the last as Consequent to the Second

Your first Amendment 'tis true would reduce the Speedy Tryal Clause in the Bill to the same as it stood [*The message which begins thus is printed in full in the Lower House journal pp. 364-365*]

p. 150 Read the second time the supplementary Act to the Act Entituled An Act for erecting a County School in Worcester County and appointing Visitors for the same, Passed and sent by Col.^{o} Lloyd

Daniel Dulany brings in the following Report [on the tobacco inspection bill]

Maryland ss.^{s} }
Nov.^{r} 9.th 1763 } At a meeting of the Conferees appointed by both Houses of Assembly

Were Present

The hon.^{ble} Daniel Dulany Esq.^{r}
The hon.^{ble} John Ridout Esq.^{r} } of the Upper House
p. 151 The hon.^{ble} Philip Key Esq.^{r}

M.^{r} Murdock } M.^{r} Allen
M.^{r} Graham } M.^{r} Hanson
M.^{r} Johnstone } M.^{r} Key } of the Lower House
M.^{r} Hall } M.^{r} Ringgold

The Honourable Daniel Dulany Esq.^{r} Chosen Chairman and Robert Cowden their Clerk

U. H. J.
Liber No. 36
Nov. 9

Where upon it was proposed by the Conferees of the Upper House, that the Salaries of the Inspectors and all charges attending Inspection be Settled in Tobacco from Money at 12/6 ꝑ Cent, and then the Same be payable in the following Species of Money viz.^{t}

	℔s		℔s
Joanness to pay........	920	Arabean Chequins	108
half Joannes	460	other Gold Coins (German excepted) by the Penny weight	50
Moydores	348	French Silver Crowns...	60
English Guineas	272	Spanish Milld pieces of Eight	60
french Guineas	268	other good Spanish Silver for each ounce	68
Spanish Pistoles not lighter than 4 ꝑ w.^{t} 6 gra	216		
French Milld Pistols....	212		

Those who may discharge Tobacco with Money by the present Inspection Law, in every Case may discharge Tobacco in any of the above Species of Money according to the above rate or proportion

Which Proposition was received by the Conferees of the Lower House in Order to report and lay it before this House, the Conference there upon Adjourned, the Conferees met again according to Adjournment, and the Conferees of the Lower House, acquaint the Conferees of the Upper House, that the above proposition having been Reported to and layed before their House, the same hath been agreed to

Whereupon the Conference Ends,

signed ꝑ Order Rob.^{t} Couden Clk.

Adjourned till to Morrow Morning ten of the Clock

Thursday Morning 10.th Nov.^{r} 1763 Nov. 10

This house met again According to Adjournment

Present as Yesterday

Read the second time the Bill for the speedy Recovery of Small Debts out of Court before One Justice of the Peace, and with the following Amendments will pass, in the fourth Line of the Last Page p. 152 after the word Plea, insert the following words Viz.^{t} in the Said Court after the Word Void in the 11.th Line of the same Page insert the following Provisoes

Provided always that in Case Either Plantif or Defendant shall think Him or Herself aggrieved by the Determination of any Majestrate He or She shall be at Liberty to appeal to the next County Court before the Justices thereof who are hereby upon the Petition

U. H. J. Liber No. 36 Nov. 10 of the Appellant in a Summary way to hear the Allegations and Proofs of both Parties and Determine upon the Same according to the Equity & Right of the matter the same Court in which the said Petition shall be exhibited without any further Continuance or delay unless it shall appear to the satisfaction of the said Court that further time ought to be given to the Party applying for the same to enable the Court to determine the Cause according to the Equity and Right of the matter

Provided also and be it further enacted that no Execution upon any Judgment be rendered by any Justice Shall be Stayed or Delayed on any Supersedeas upon such Judgment granted upon any Appeal unless the Person appealing or some other in His or Her behalf shall immediately upon making such appeal enter into Bond with sufficient sureties such as the Justice by whom Judgment Shall be given shall approve of in Double the sum recovered with Condition that if the Party appealing shall not Prosecute his appeal at the next County Court with Effect according to the Directions of the Act intituled an Act for the Speedy Recovery of small Debts out of Court before one Justice of the Peace and also pay and satisfy the Party in whose Behalf the Judgment of the Justice shall be given his Executors Administrators or Assigns in Case the said Judgment shall be affirmed as well the Debt Damage & Cost adjudged by the Justice from whose Judgment such appeal shall be made as also all Cost and Damage that shall be awarded by the Court before whom such Appeal shall be heard tried and Determined then the said Bond to be and remain in full force and Virtue otherwise to be of none Effect

signed ꝑ Order John Ross Clk. Up.^r Ho.

Adjourned till 3 of the Clock in the afternoon

Eodem Die Post Meridiem

This house met again According to Adjournment

Present as in the Morning

p. 153 Read the Petition of the Magistrates of Charles County praying A Bill to repair the Prison in the Said County and the Petition of the Principal Inhabitants of Charles Town in Charles County praying A Bill to prevent raising of Geese in the said Town referred and sent by Benedict Calvert Esq:^r

Adjourned till to Morrow Morning ten of the Clock

Nov. 11 Friday 11.^th Nov:^r 1763

This house met again according to Adjournment

Present as Yesterday except Benedict Calvert Esq.^r U. H. J. Liber No. 36 Nov. 11

An Engrossed Bill by Mess:^rs Magruder &

An Act to impower John Paca, Robert Adair, Moses Hill and Margaret his Wife, to sell and dispose of the Land therein mentioned, late the Lands of William Hammond of Baltimore County, Deceased, for the payment of the Debts of the said William Hammond, thus subscribed

Read & assented to by the Lower House of Assembly

11.^th Nov:^r 1763

signed ꝑ Order MMacnemara Clk. Lo. Ho.

Read and assented to by this House and ordered to be so Subscribed

Read the Petition of George Maxwell of Charles County praying that the Warehouse called Emersons Warehouse may be removed referred to the Lower House of Assembly and sent by Richard Lee Esq:^r

The following Message with the Bill for the Advancement Justice is sent by John Ridout Esq.^r

By the Upper House of Assembly 11.^th Nov:^r 1763.

Gentlemen

In answer to your Message of the 9.^th Instant Attending the Bill for the Advancement of Justice we are to inform you that after the most mature Consideration we think it by no means expedient to recede from our first Amendment—An Expeditious Remedy is apparently of great Advantage to the Creditor, and is also, in most Cases, beneficial to the Debtor; for when the Creditor has the assurance of Speedy recovery he may With the less Hazard indulge his Debtor, but when on the Contrary he has good grounds to suspect that He shall be delayed in the Recovery of his Demand, He will naturally make allowance for the Delay He will be Subject to, & therefore be the more early in instituting his Suit, when the Circumstances of the Defendants Case may render it proper to allow Him an Imparlance He is so far from being Precluded from that p. 154 Benefit that He will clearly be intitled to it: for by the terms of our amendment, upon Sufficient Cause being Shewn, an Imparlance is to be allowed,

We thought and still think that the Operation of the Bill as it was Originally framed would give an Exclusive Jurisdiction to the County Court, to the full extent of the equitable Power you conferred upon Them; but as we perceive by your Message that you only Intended that the Jurisdictions of the Court of Chancery and the County Court should be concurrent as far as £20 Sterling, or 5000.^lbs Tobacco we Consent that the Bill should Stand agreeable to your Draught with the Addition of the following Proviso to be

U. H. J. Liber No. 36 Nov. 11 inserted after the word notwithstanding in the 8.th Line of the 3d Page Viz:t Provided always that nothing in this Act contained shall extend or be construed to extend so as to limit abridge, or restrain the Jurisdiction of the High Court of Chancery of this Province in any manner or respect whatsoever the said Court shall have the same power Authority, and Jurisdiction in all and every Case as belonged to and was exercised by the said Court before the making this Act any thing herein contained notwithstanding

signed ꝑ Order John Ross Clk. Up:r Ho.

Adjourned till 3 of the Clock in the Afternoon

Eodem Die Post Meridiem

This house met again according Adjournment

Present as in the Morning

Read the Petition of the Rector Vestrymen and Church Wardens of the parish of S.t Margarets Westminster in Ann Arundell County praying A Bill to sell the Glebe in the said Parish and 150 Acres Part of Whitehall, Referred to the Lower House and sent By Benedict Calvert Esq:r

Read the second time the Bill Ent.d An Act for the more effectual Securing of Orphans Estates, passed and sent by Richard Lee Esq.r

Read the second time the Bill for Tryal of all matters of Fact in the several Counties where they have arisen or shall arise and will not pass

Read the second time the supplementary Act to the Act Entituled An Act relating to the standard of English Weights and Measures and will pass the forfeitures by the said Bill being applied in the following Manner ⅓ part thereof to the Right Honourable the Lord Proprietary his Heirs and Successors for the Support of Government ⅓ part to the Publick for defraying the County Charge where the Offence shall be committed and ⅓ to the Informer Sent by John Ridout Esq:r

p. 155 Read the Second time the Bill for the Preservation of the Breed of Fish in the River Susquehannah and Potomack and will pass with the following Amendments Insert the Word Patuxent in Several parts of the Bill after Potomack and the forfeitures by the said Bill being applyed in the following manner ⅓ part thereof to the Right hon.ble the Lord Proprietary for the Support of Government ⅓ part to his Lordships Governor for the time being residing in this Province and ⅓ part to the Informer—Sent by Richard Lee Esq:r

Adjourned till to Morrow Morning 10.th of the Clock

Saturday Morning 12.th Nov:r 1763

U. H. J.
Liber No. 36
Nov. 12

This house met again according to Adjournment

Present as Yesterday

A Bill from the Lower House by Mess:rs Key and Hammond Entituled An Act for the Adjournment and Continuance of Frederick County Court thus Endorsed

By the Lower House of Assembly 12.th Nov.r 1763

Read the first time by Especial Order & will Pass

signed ꝑ Order MMacnemara Clk. Lo. Ho.

Read the first & Second time by Especial Order Passed and sent by John Ridout Esq.r

Read the Second time the Bill Ent.d a supplementary Act to the Act Ent.d an Act for emitting and making current 90.000£ Current money of Maryland in Bills of Credit and will Pass with the following amendments Leave out the Words that follow the Word same in the last Line except One of the first Page to the Word are in the third Line of the second page and Insert the following Words, That the several Naval Officers shall before the Sixth Day of October in the Year of Our Lord 1764 pay into the hands of the Commissioners or Trustees for Emitting Bills of Credit in this Province good Bills of Exchange upon London Payable at Thirty Days Sight for the Amount of the Duty of fifteen pence ꝑ Hogshead which they shall respectively receive for Tobacco that shall be exported after the first Day of December next instead of remitting such Bills of Exchange to the Trustees in London as was directed by the above recited Act and the Said Commissioners or Trustees for Emitting the Bills of Credid established by Act of Assembly

signed ꝑ Order John Ross Clk. Up.r Ho.

& sent by Richard Lee Esq.r

A Bill from the Lower House by M.r Murdock and twelve others p. 156
and Twelve Others Entituled An Act for the Amending the Staple of Tobacco, for Preventing Frauds in his Majesty's Customs, and for the Limitation of Officers Fees, thus Endorsed

By the Lower House of Assembly 11.th Nov:r 1763.

Read the first time and ordered to lye on the Table

signed ꝑ Order MMacnemara Clk. Lo. Ho.

By the Lower House of Assembly 11th. Nov.r 1763.

Read the second time and will pass

signed ꝑ Order MMacnemara Clk. Lo. Ho.

Adjourned till Monday Morning ten of the Clock

U. H. J.
Liber No. 36
Nov. 14

Monday Morning 14.th Nov.^{r} 1763.

This house met again according to adjournment

Present

The honble Col.° Edward Lloyd
Richard Lee Esq.^{r}
Step.^{n} Bordley Esq.^{r}
John Ridout Esq.^{r}
Philip Key Esq.^{r}

Read the first time the Bill Entituled An Act for the Amending the Staple of Tobacco, for Preventing Frauds in his Majesty's Customs, and for the Limitation of Officers Fees, and Ordered to lye on the Table

An Engrossed Bill from the Lower House by Mess:^{rs} Chaplin and Beatty, Entituled An Act for the Adjournment and Continuance of Frederick County Court thus Subscribed

14th Nov.^{r} 1763

Read and assented to by the Lower House of Assembly

signed ꝑ Order MMacnemara Clk. Lo. Ho.

Read and assented to by this house and ordered to be so subscribed

Adjourned till 3 of the Clock in the afternoon

Eodem Die Post Meridiem

This house met again according to Adjournment

Present as in the Morning

Adjourned till to Morrow Morning ten of the Clock

Nov. 15 Tuesday Morning 15th. November 1763

This house met again according to Adjournment

Present as Yesterday

Read the second time the Bill Ent:^{d} An Act for the Amending the staple of Tobacco for preventing Frauds in his Majesty's Customs and for the Limitation of Officers Fees Passed and sent by John Ridout Esq.^{r} p. 157

Adjourned till 3 of the Clock in the afternoon

Eodem Die Post Meridiem

This house met again according to Adjournment

Present as in the Morning & Benjamin Tasker & Benedict Calvert Esq.^{rs}

Adjourned till to Morrow Morning ten of the Clock

Wednesday Morning 16.th Nov:r 1763

U. H. J. Liber No. 36 Nov. 16

This house met again according to Adjournment

Present as yesterday

Read the Second time the Bill Entituled An Additional supplementary Act to the Act Entituled An Act for quieting Possessions emitting Conveyances and Securing the Estates of Purchasers & will pass with this Amendment after the Words some And, in the Second Line of 2d Page insert these, The Alionation Fine being Satisfied & Sent by John Ridout Esq.r

Mess:rs Ringgold & Allen attend with M.r Steele Member for Dorchester County to see him qualified who takes the Oaths to the Government Appointed to be taken by Act of Assembly repeats and subscribes the Abjuration and Test and then withdraws

Adjourned till 3 of the Clock in the afternoon

Eodem Die Post Meridiem

This house met again according to Adjournment

Present as in the Morning

Read the second time the Bill Entituled An Act for the Security of purchasers and others being Protestants claiming by Aliens and will not pass—sent by John Ridout Esq.r

Read the Bill Ent.d An Act for Establishing a College or Seminary of Learning within this Province and Ordered a further Reading on the 10th. of January Next

Adjourned till to Morrow Morning ten of the Clock

Thursday Morning 17th. Nov.r 1763.

Nov. 17

This house met again according to Adjournment

Present as Yesterday

Adjourned till 3 of the Clock in the afternoon

Eodem Die Post Meridiem

p. 158

This house met again according to Adjournment

Present as in the Morning

Adjourned till to Morrow Morning ten of the Clock

Friday Morning 18th Nov.r 1763

Nov. 18

This house met again according to Adjournment

U. H. J.
Liber No. 36
Nov. 18

Present as Yesterday

Read the Petition of Catherine Scott of Frederick County Widow praying that a Bill may be brought in to make over the Land therein Mentioned to her upon paying the Money to M.r Worthington, Rejected

Read the Petition of Susanna Johns Widow Praying that a Bill may be brought in to make good a Deed of Bargain and Sale made by her late Husband for three Tracts of Land therein mentioned, Rejected

An Engrossed Bill from the Lower House by Col.o Lloyd & Plater Ent.d An Act for amending the Staple of Tobacco for Preventing Frauds in His Majesty's Customs, and for the Limitation of Officers Fees, thus subscribed the 10th of November 1763

Read and assented to by the Lower House of Assembly

Signed ꝑ Order MMacnemara Clk. Lo. Ho.

Read and assented to by this House and Ordered to be so Subscribed

A Message from the Lower House by Mess.rs Allen & Steele

By the Lower House of Assembly 18th. Nov:r 1763

May it Please your Honours

We herewith return you the Bill Entituled an Act for the Speedy Recovery of Small Debts out of Court before One Justice of the Peace.

We agree to your first Amendment but cannot agree to the provisoes you would have inserted for granting an appeal to the County Courts in the full extent of your amendment as we apprehend it would in great measure defend the speedy Recovery of Small Debts the main end of that Bill

Yet we are willing to grant an appeal in the manner you have pointed out where the Debt exceed thirty three Shillings and four pence Current Money or four hundred pounds of Tobacco and hope for the Concurrence of your House to this so just and reasonable a proposal

signed ꝑ Order MMacnemara Clk. Lo. Ho.

Four Bills from the Lower House by Mess:rs Thomas & Jacobs

p. 159 One Int.d An Act to enable the Vestrymen and Church Wardens of the Parish of S.t Margarets Westminster in Ann Arunden [*sic*] County for the time being to sell a Tract of Land therein mentioned and to apply the Produce of Money arising by such Sale towards the Purchase of another piece of Land to be made a Glebe for the Use of the Incumbent of that Parish and his Successors—An Act to Oblige Persons who Officiate as Clerks or Writers in the Publick Offices to take the Oaths to the Government and for better securing the Publick

Records—An Act for the better regulating Attachments—A Bill Entituled An Act empowering Richard Richardson of Frederick County to sell and dispose of the Lands which belonged to Richard Richardson his Deceased Father and to apply the Money arising therefrom to the Uses of his said Father's Will thus Endorsed U. H. J. Liber No. 36 Nov. 18

By the Lower House of Assembly 15th Nov:r 1763

Read the first time and Ordered to lye on the Table

By the Lower House of Assembly 17th. November 1763

Read the Second time and will Pass

Signed ꝑ Order MMacnemara Clk. Lo. Ho.

Read the first time in this house and ordered to lye on the Table

A Message from the Lower House by Mess:rs Ringgold & Stoddert

By the Lower house of Assembly 18th. Nov:r 1763

May it Please your Honours

It being now three Weeks since we sent you the Bill for Establishing a College or Seminary of Learning in this Province we cannot doubt but your Honours have duly Considered it and are come to some Resolution thereon. If any Amendments to that Bill are by you thought Expedient as the session has already ran to a great Length and the approaching Season will become very disagreeable to Our Sitting here, We hope you will Speedily propose them, that we may have time to Consider them, We are the more urgent on this Occasion because should not that Bill have a Passage, as the Regulation of Ordinaries will expire with the Close of this session, We should think ourselves much wanting in our Duty to our Constituents should we Rise without using our best Endeavours to Continue in some shape or other, that Regulation so usefull and so necessary to the Province

Signed ꝑ Order MMacnemara Clk. Lo. Ho.

Three Engrossed Bills from the Lower House by

An Act to confirm the sale of Certain Land lying in Eastern Neck Island in Kent County by Draper Lusby and Frances his Wife Excex. of John Hynson deceased to Matthew Bryan—An Act for the more Effectual Securing of Orphan's Estates—An Act for the Advancement of Justice—severally thus subscribed p. 160

17th. November 1763

Read and assented to by the Lower House of Assembly

Signed ꝑ Order MMacnemara Clk. Lo. Ho.

Read and assented to by this house and Ordered to be so subscribed

U. H. J. Liber No. 36 Nov. 18 A Bill from the Lower House by Mess:^{rs} Dent & Smallwood Entituled An Act to Prohibit raising of Swine and Geese in Charles Town in Charles County thus Endorsed

By the Lower house of Assembly 18th. November 1763

Read the first and Second time by an Especial Order and will pass

Signed ꝑ Order MMacnemara Clk. Lo. Ho.

Adjourned till 3 of the Clock in the afternoon

Eodem Die Post Meridiem

This house met again according to Adjournment

Present as in the Morning

The following Message is Sent from the Upper House by Benedict Calvert Esq.^{r}

By the Upper House of Assembly 18th Nov.^{r} 1763

Gentlemen

This house agrees to the Amendment proposed by you in your Message of of this day to the Bill Entituled An Act for the Speedy Recovery of Small Debts out of Court before one Justice of the Peace and return the Bill that the same Amendment may be Inserted therein

Signed ꝑ Order John Ross Clk. Up.^{r} Ho.

Adjourned till to Morrow Morning ten of the Clock

Nov. 19 Saturday Morning 19th. November 1763.

This house met again according to Adjournment

Present as Yesterday

Read the Petition of the Inhabitants of the Upper part of the Parish of S.^{t} Margarets Westminster in Ann Arundel County praying A Bill may be brought to build a new Chappel in the said Parish referred

Read the Petition of the Rector and Inhabitants of the Upper part of All Saints Parish in Frederick County beyond the South Mountain praying a Bill to Build a new or Stone Chappel in Said Parish Referred and sent by John Ridout Esq.^{r}

Read the second time the Bill to Prohibit raising of Swine and Geese in Charles Town in Charles County, p. 161

An Act to enable the Rector, Vestrymen, and Church Wardens of the Parish of S.^{t} Margaret's Westminster, in Ann Arundel County, for the time being, to sell a Tract of Land, therein mentioned, and to apply the produce Money, arising from such Sale, towards the purchase of another piece of Land to be made a Glebe, for the Use of the Incumbent of that Parish, and his Successors, An

U. H. J.
Liber No. 36
Nov. 19

Act Impowering Richard Richardson of Frederick County, to sell and dispose of the Lands which belonged to his deceased Father Richard Richardson, and to apply the Money arising therefrom, to the Uses of his Said Father's Will. passed and sent by Richard Lee Esq:^{r}

Three Bills from the Lower House by Mess:^{rs} Beall & Hall Entituled An Act for imposing an Additional Duty of ten pounds ꝑ poll on all Negroes imported into this Province—An Act for the Adjournment of Prince Georges County Court—An Act impowering the Justices of Prince Georges & Charles Countys to levy on the Taxable Inhabitants of S.^{t} John's commonly called King Georges Parish in the Said County's the sum of 56,000£ of Tobacco for the necessary Enlargement of this Parish Church thus Endorsed

By the Lower House of Assembly 18th Nov:^{r} 1763

Read the first and second time by Especial Order and will pass

Signed ꝑ Order MMacnemara Clk. Lo. Ho.

Read the first and Second time by Especial Order the Bill for Adj.^{t} of Prince Georges County Court An Act impowering the Justices of Prince Georges and Charles Counties, to Levy on the Taxable Persons of S.^{t} John's (commonly called King Georges) Parish, in the said Counties, the sum of fifty Six Thousand pounds of Tobacco, for the necessary Enlargement of their Parish Church, passed and sent by John Ridout Esq.^{r}

Adjourned till 3 of the Clock in the afternoon

[*A message from the Upper House to the Lower House, dated Nov. 19, 1763, on the subject of the College bill does not appear in the journal of the Upper House but will be found on page 382*]

Eodem Die post Meridiem

This house met again according to Adjournment

Present as in the Morning

A Bill from the Lower House by M.^{r} Dulany & John Hammond Dorsey An Act to continue the Power of Sheriffs and Collectors under the Act Ent.^{d} An Act for granting a Supply of 40,000£ for his Majesty's Service and Striking thirty four Thousand and fifteen pounds Six Shillings thereof, in Bills of Credit, and raising a fund for Sinking the same, in Collecting and accounting for the Several Sums due in Virtue of that Act thus Endorsed p. 162

By the Lower House of Assembly 19.th Nov:^{r} 1763

Read the first and second time by Especial Order & will pass

Signed ꝑ Order MMacnemara Clk. Lo. Ho.

Read the first time in this house and ordered to lye on the Table

His Excellency is Pleased to communicate to this House the following Message

U. H. J. Liber No. 36 Nov. 19 Gentlemen of the Upper house of Assembly

Having received Letters last night by Express from Captain Shelley & other Persons who live in the Western Part of Frederick County wherein they inform me that the Incursions of a Party of Indians and some Mischief they have lately done at a Place called the Cove either within or very near this Province have thrown our Frontier Inhabitants into the greatest Consternation and that unless an armed Force be Spedily sent to their relief there is great Reason to believe Numbers of them would desert their Habitations and the Frontier Settlement again become a Scene of Distress and Desolation, I think it incumbent on me to recommend their unhappy Condition to the Consideration of both you and the Gentlemen of the Lower House of Assembly and am in hopes such Provision will be made for their Relief and Protection as might encourage them to remain on their Plantations and Secure them from the dreadful Calamities they have at Present so much reason to apprehend

Hor,,° Sharpe

19th. November 1763

Three Engrossed Bills for the Lower House by Mess.^rs Ringgold & Smallwood An Act for the more effectual Securing of Orphans—An Act to Confirm the Sale of certain Land lying in Eastern Neck Island in Kent County, by Draper Lusby, and Frances his Wife, Executive of John Hynson, Deceased to Matthew Bryan,—An Act for the Advancement of Justice, thus Endorsed

17th. November 1763

Read and assented to by the Lower House of Assembly

signed ꝑ Order MMacnemara Clk. Lo. Ho.

p. 163 Read and assented to by this house and ordered to be so Subscribed

A Bill Entituled An Act for preventing the Importation of German and French Papists and Papish Priests and Jesuits into this Province and of Irish Papists by way of Pensylvania and the Government of Newcastle Kent and Sussex on Delawar and for encouraging Protestants to come in and Settle the Western Frontier thus Endorsed

By the Lower House of Assembly 17th Nov:^r 1763

Read the first time and Ordered to lye on the Table

Signed ꝑ Order M Macnemara Clk. Lo. Ho.

By the Lower House of Assembly 19th Nov:^r 1763

Read the second time and Will pass

Signed ꝑ Order MMacnemara Clk. Lo. Ho.

Adjourned till Monday Morning ten of the Clock

Monday Morning 21st November 1763 U. H. J. Liber No. 36 Nov. 21

This house met again according to Adjournment

Present.

The honourable	Benjamin Tasker Esq.r	Daniel Dulany Esq.r
	Richard Lee Esq.r	Stephen Bordley Esq.r
	Benedict Calvert Esq.r	John Ridout Esq.r
		Philip Key Esq.r

Read the Second time the Bill empowering the Sheriffs to collect the several Sums passed

Read the Second time the Bill Entituled An Act for imposing an Additional Duty of ten Pounds ꝑ Pole on all Negroes imported into this Province and will pass with the following Amendments Leave out the Preamble and the Word therefore, in the 3d Line, and instead of Ten Pounds, ensert Two Pounds and instead of Twenty insert, Ten

Adjourned till 3 of the Clock in the afternoon

Eodem Die Post Meridiem

This house met again according to Adjournment

Present as in the Morning

Richard Lee and Benedict Calvert Esquir's are sent from the Upper House by the Governor to require the attendance of the Speaker with the Lower House to see the Bill for the Adjournment of Frederick County Court receive the Assent the Lower House Accordly Attend and by their Speaker Present to His Excellency the Bill Ent.d An Act for the Adjournment of Frederick County Court p. 164 which he passed into a Law in the Usual Form by Sealing it with the Right honourable the Lord Proprietary his great Seal at Arms and Subscribed it on behalf of the Right Honourable the Lord Proprietary of this Province I will this be a Law

A Bill from the Lower House by [Mr. Hanson]Ent.d An Act to impower the Justices of Charles County to levy on the Taxable Inhabitants of Port Tobacco Parish in Said County an Additional Sum not Exceeding two pounds of Tobacco ꝑ Poll for the further Support of an Organist in the said Parish thus Endorsed

By the Lower house of Assembly 21.st Nov.r 1763

Read the first and Second time by Especial Order

Signed ꝑ Order MMacnemara Clk. Lo. Ho.

Adjourned till to Morrow Morning ten of the Clock

U. H. J.
Liber No. 36
Nov. 22

Tuesday Morning 22.^{d} November 1763

This House met again according to Adjournment

Present as yesterday

An Engrossed Bill from the Lower House by Mess:^{rs} Thomas & Adams Entituled An Act to Prohibit raising of Swine and Geese in Charles Town, in Charles County 22^{d} November 1763

An Engrossed Bill from the Lower House by Mess.^{rs} Magruder & Baker Entituled An Act to confirm the Sale of certain Land, lying in Eastern-Neck Island in Kent County, by Draper Lusby, and Frances his Wife, Executrix of John Hynson, Deceased, to Matthew Bryan

A Bill from the Lower House by Mess,,^{rs} Plater and Johnson, Ent..^{d} An Act for laying and erecting a Town at Elk Ridge Landing in Ann Arundel County thus Endorsed

By the Lower House of Assembly 18th. November 1763

Read the first time and ordered to lye on the Table

Signed ꝑ Order MMacnemara Clk. Lo. Ho.

By the Lower House of Assembly 22^{d} November 1763

Read the second time and will Pass

Signed ꝑ Order MMacnemara Clk. Lo. Ho.

Read the first time in this house and ordered to lye on the Table

Read the following Bills, One Entituled An Act for Preventing the Importation of German and French Papists and Papists Priests p. 165 and Jesuits into into this Province and of Irish Papists by Way of Pensylvania and the Government of Newcastle Kent and Sussex on Delaware and for encouraging Protestants to come in and settle the Western Frontier

An Act to oblige Persons who Officiate as Clerks or Writers in the Publick Offices to take the Oaths to the Government and for the better Securing the Publick Records—An Act for the Equitable payment of Money Debts and will not pass and Sent by Richard Lee Esq.^{r}

Read the first and Second time by Especial Order the Bill Entituled An Act impowering the Justices of Charles County, to levy on the Taxable Inhabitants of Port Tobacco Parish, in said County, an Additional Sum, not exceeding Two pounds of Tobacco Per Poll, Annually for the further Support of an Organist in the said Parish, passed and Sent by Benedict Calvert Esq.^{r}

A Bill from the Lower House by Mess:^{rs} Murdock & Hall Entituled An Act for the Speedy payment of such Persons as have been ordered to March to the Western Frontiers of this Province for the Defence thereof, and of the Expences of Carriages and Provisions for Such Persons and of Such as have been put to the Expences of Quartering his Majesty's Regular Forces within this Province and other necessary Expences during the late War thus Endorsed U. H. J. Liber No. 36 Nov. 22

By the Lower House of Assemble 21.st Nov.r 1763

Read the first time and ordered to lye on the Table

Signed ꝑ Order MMacnemara Clk. Lo. Ho.

By the Lower House of Assembly 22d Nov.r 1763

Read the Second time and will pass

Signed ꝑ Order MMacnemara Clk. Lo. Ho.

Read the Bill Entituled An Act for the better regulating Attachments and ordered a further Reading at the next session of Assembly

Adjourned till 3 of the Clock in the afternoon

Eodem Die Post Meridiem

This house met again according to Adjournment

Present as in the Morning

An Engrossed Bill from the Lower House by Mess.rs Hanson & Plater Entituled An Act to impower the Justices of Charles County to levy on the Taxable Inhabitants of Port Tobacco, Parish in Said County an Additional Sum not Exceeding two pounds of Tobacco Per Poll for the Support of an Organist in the said Parish thus Subscribed p. 166

22d November 1763

Read and Assented to by the Lower House of Assembly

Signed ꝑ Order MMacnemara Clk. Lo. Ho.

A Message from the Lower House by Messrs Tilghman and Hynson.

By the Lower House of Assembly 22.d November 1763

May it Please your Honours

As your Honours have been pleased to say in your Message of the 19th, that you are Satisfied that the establishment of a College [*The message which begins thus is printed in full in the Lower House journal pp. 388-389*]

The Journal of the Committee of Accounts is brought from the Lower House by Major Hanson & three more thus Subscribed p. 167

By the Lower House of Assembly 21.st November 1763

Read and assented to

signed ꝑ Order MMacnemara Clk. Lo. Ho.

Adjourned till to Morrow Morning ten of the Clock

U. H. J.
Liber No. 36
Nov. 23

Wednesday Morning 23ᵈ November 1763.

This house met again according to Adjournment

Present as yesterday

The following Message with the Bill Entituled An Act for the Speedy payment of Such Persons as have been Ordered to March to the Western Frontiers of this Province for the defence thereof and of the Expences of Carriages and other Provisions for such Persons and of such as have been put to the Expences of Quartering of his Majesty's Regular Forces and other necessary Expences during the late War—and the Money Journal thus Subscribed

By the Upper House of Assembly 23.ᵈ November 1763

Read the first time by Especial Order and will not pass

Signed ꝑ Order John Ross Clk. Up. Ho.

Gentlemen

By the Upper House of Assembly 23ᵈ November 1763

We have returned with our Negative the Bill Entituled An Act for the Speedy payment of such Persons as have been ordered to March to the Western Frontiers of this Province, for the Defence thereof, and of the Expences of Carriages and Provisions for such Persons, and of such as have been Put to the Expences of Quartering His Majesty's Regular Forces within this Province, and other necessary Expences during the late War, not because the Demands Proposed by the Bill to be Discharged, ought not to be Satisfied; but because They are upon the same footing with that of other Creditors, and should therefore be paid in the Same Manner p. 168

By the Act Entituled "An Act for Ordering and regulating the Militia of this Province for the better Defence and security thereof, the Militia are to be paid in the Publick Levy, and We should not have the least Objection to their being Satisfied in this Manner, for We think, that their Obedience to the Orders issued by the Governor, in Consequence of the Authority with which he is invested by an Express Law, was prudent, and Commendable; but as other Publick Creditors are equally intitled to Satisfaction, and in the same manner, We cannot concur in a Measure Distinguishing their Cases

The Publick Debt is now Swelled to a great amount, and if you are of Opinion that the Discharge of the whole at this time would fall too heavy, we Should very willingly Embrace any expedient, conducive to the Ease of the Debtors, and therefore, if it is agreeable to You, We shall Consent that the Militia, and other Persons mentioned in the Bill We now return, and all other Creditors be at this time paid Except the Members of the Upper, and Lower Houses of Assembly for their Respective allowances, the Payment of which may be Deferred to a season more convenient to the good People of this Province

U. H. J.
Liber No. 36
Nov. 23

sent by Daniel Dulany Esq.r

Signed ℘ Order John Ross Clk. Up.r Ho.

Read the Second time the Bill for laying out and erecting a Town at Elk Ridge Landing in Ann Arundel County and will not pass sent by Benedict Calvert Esq.r

A Bill from the Lower House by Mess.rs Magruder and Beatty Entituled An Act for erecting a Publick School in Frederick County and for Obliging the Provincial Treasurers to Render Accounts to the Treasurers and Visitors of the Several County Schools thus Endorsed 17th. Nov.r 1763

Read the first time and ordered to lye on the Table

Signed ℘ Order MMacnemara Clk. Lo. Ho.

By the Lower House of Assembly 23d Nov.r 1763

Read the Second time and will Pass

Signed ℘ Order MMacnemara Clk. Lo. Ho.

Read the first and Second time in this house by Especial Order and will pass with the following amendments, Leave out in the Title the Words following Viz.t and for Obliging the Provincial Treasurers to render Accounts to the Visitors of the several County Schools, Leave out also in the 2d Page in the Preamble and enacting a Clause sent by Richard Lee Esq.r

p. 169

The following Message is sent by John Ridout Esq.r

By the Upper House of Assembly 23.d November 1763

Gentlemen

Having by our Message of the 19.th Inst. acquainted you with the Resolution of this House we cannot help thinking your Yesterdays Message some what irregular and not altogether calculated to preserve the harmony we wish might Subsist between the two Houses, as we observe by the Journal that this affair of a College was under the Consideration of the Lower House Several years ago and that during the Session held in April 1761 it was again moved and deliberated on in that House of which most of you Gentlemen were Members we can easily account for the Bills appearing at this time to a majority of Your House so plain simple & perfect, but as we see it in a very different light and think the Establishment of a College here a matter that requires the most mature Consideration we did not choose, however, solicitous we are to have a College established on a good foundation, to determine hastily thereon especially as several of our Members were by sickness rendered unable to attend, and therefore made the Reference of which we advised you, As the Practice of which you affect to complain is of so long standing that we believe none of the Gentlemen who are at Present Members

U. H. J. Liber No. 36 Nov. 23 of either House remember when it was introduced and is in our Opinion founded in Reason you must not be surprized at our taking the Liberty to continue it, but if for the Reasons mentioned in your Message or any other you are desirous to have the Bill in Question Published we shall not object thereto and will direct our Clerk to deliver yours a Copy of the Bill for that Purpose in Case you shall think fit to order him to apply for it

Signed ꝑ Order John Ross Clk. Up.r Ho.

The following Message with the Journal of Accounts is Sent by Benedict Calvert Esq.r

p. 170 By the Upper House of Assembly 23.d November 1763

Gentlemen

The Fate of the Bill we this Morning returned to You making it necessary that many Additions be made to the Journal of Accounts so that all who have just Claims on the Publick may be Satisfied we sent You back the Journal for that Purpose, Should You resolve after such Additions have been made to let Us have it again this Session we hope you will send it Up as soon as Possible that we may have time to examine it for as we Perceive You have not made the Clerk of the Council the usual allowance a Point this House will ever insist on we are apprehensive some other just Claims have been disregarded and therefore shall not pass it without a Carefull Examination, Should You think it reather too late in the session to make the necessary Additions to the Journal at Present you will we hope enter on it early in the next session so that this House may have sufficient time to examine it and to look into the Several Vouchers which You will at the same time be Pleased to send Us.

Signed ꝑ Order John Ross Clk. Up.r Ho.

Ordered that the Clerk of this house receive the Same fees on all Private Bills Passed this house this Session as are allowed by the Lower House to their Clerk

Adjourned till 3 of the Clock in the afternoon

Eodem Die Post Meridiem

This house met again according to Adjournment

Present as in the morning

[*There is a break here in the record. The clerk has failed to make any entries for the afternoon session of Nov 23 and for the earlier portion of the morning session of Nov 24th, leaving a page and a half blank in the record book. Unfortunately there are no rough session notes for 1763 to fill out this void.*—EDITOR.]

[Thursday 24th November 1763]

p. 172 A Bill from the Lower House by Mess:rs Dorsey and Baker Ent.d An Act to confirm a Lease made by Thomas Harrison of Baltimore

U. H. J.
Liber No. 36
Nov. 24

County for part of a Lott of Land therein mentioned Lying in Baltimore Town in Said County to the Commrs of the said Town and their Successors and to Establish a Market in the said Town and for the Regulation of the said Market thus Endorsed

By the Lower house of Assembly 23d Nov.r 1763

Read the first time and ordered to lye on the Table

Signed ℘ Order MMacnemara Clk. Lo. Ho.

By the Lower House of Assembly 23.d November 1763.

Read the second time by Especial Order and will pass

Signed ℘ Order MMacnemara Clk. Lo. Ho.

Read the first and second time in this house and with the following Amendments will pass—after the Words paid to, in the 10.th Line of the 4.th Page insert the following "such Persons as shall by the Justices of Baltimore County in Court sitting be annually chosen and appointed"

Leave out the fifth Page and to the Word shall in the fourth Line of the Sixth Page and insert the following Words "and be it further Enacted by the Authority aforesaid that the Clerk of the said market to be appointed as aforesaid"—Leave out the Words Elected and Chosen as often as they occur in the Bill and insert at the End of the Bill the following Clause saving to His Most sacred Majesty his heirs and Successors, the Right Honourable the Lord Proprietary his heirs and Successors, and to all Bodies Politick and Corporale and all Others not mentioned in this Act their several and Respective Rights.

Signed ℘ Order John Ross Clk. Up.r Ho.

Sent by Richard Lee Esq.r

Benedict Calvert Esq.r brings in the following Report

Maryland ss..t

At a Committee of both Houses of Assembly Appointed to Inspect the Office and Proceedings of the Commissioners for Emitting Bills of Credit established by Act of Assembly

Were Present

The honourable Benedict Calvert Esq.r of the Upper House

p. 173

M.r Walter Dulany
M.r Thomas Ringgold
M.r Brice T B Worthington
M.r Robert Lloyd
M.r John Truman Stoddert
M.r Henry Hall
M.r Michael Earle
M.r Josias Beall Jun.r
M.r John Hanson
M.r Charles Graham
} of the Lower House

U. H. J. Liber No. 36 Nov. 24 Who make choice of and Appoint the Honourable Benedict Calvert Esq.^{r} Chairman & Robert Couden His Clerk, and agree to make the following Report viz:^{t}

Your Committee on examineing the Account of Iron Chest N.^{o} 1, Stated in the Books of the said Office, and closed to the 21.st day of Novemb:^{r} 1763 and Comparing it with the day Book and the Several Vouchers from whence the said Account is raised, have made the following State thereof, and find that there remains at the above Date in the said Chest a Ballance of $20.481,,5,,0¾

D.^{r} Iron Chest, N.^{o} 1

To Ballance in Iron Chest N.^{o} 1 31.st Mar. 1762 as ꝑ Report 24.th April 1762..................	£14,829..2..1¼
To Principal Money paid in, Since Mar. 31.st 1762. to Nov.^{r} 24.th 1763......................	5,200..1..8
To Intrest Money paid in Same time............	2,210..3..1½
To Money paid by Charles Hammond Jun.^{r} for Lands sold him, lately belonging to the Estate of William Cummings Esq.^{r} Deceased........	107..1..3
	£22,346..8..1¾

Contra C.^{r}

By Money in Gold lent out on Bonds since 31st Mar. 1762. to Nov.^{r} 21.st 1763..................	£773.. 0..0
By Money paid the Commissioners their Salarys at Sundry times, in quarterly payments, in same time	405.. 0..0
By money p.^{d} the Clk his Salary in same time.......	135
By Money paid the Clerk for Cleaning the Office...	12.. 0..0
By d.^{o} paid for wood and other necessarys for the Office, and for repairing it when attempted twice to be broken open....................	35.. 9..7
By Money paid Stephen Bordley for advice........	4..13..6
By Money p.^{d} Jonas Green by Virtue of An Act passed last session of Assembly............	500.. 0..0
	£1,865.. 3..1
Ballance in Chist [*sic*] Nov.^{r} 21. 1763...........	20,481.. 5..0¾
	£22,346.. 8..1¾

p. 174 Your Committee gave their Reasons in their Report last Session (to which they beg leave to refer this Honourable House) why the Money in Iron Chest N.^{o} 1. was not then counted, which they thought it their Duty to do, and as the Act is now near expireing, Your Committee thought it more Peculiarly necessary at this time to count the said money, that they might give the fullest Report in their Power

U. H. J.
Liber No. 36
Nov. 24

of the State of the Office, and accordingly applyed to Doct.r Steuart to have liberty to count the Money, And had for answer, That the Commissioners did begin since Last session, to Sort and prepare the Money for counting, And when they had sorted about £4,000, Col.o Hammond was taken Sick, and had not been able to attend Since, and that great part of said Money was deposited in the Iron Chest N.o 1. before M.r Bullen came into the Office, he did not choose to proceed upon the counting of the same untill Col.o Hammond could be present, Your Committee hereupon derected their Clerk to write to Col.o Hammond, desireing to know if he could attend on this occasion, and received for Answer the following Letter Viz.t

To the Gentlemen Committee of the Paper Office Nov.r 9.th 1763
Gentlemen

I do assure you I am not able to attend you, nor to go out of my House with Safety, no man never gave better attendance than I have done for these many Years, but now am prevented by a long Sickness that still continues, with constant fevers,

I am Your humble Servant
Charles Hammond

Your Committee finds the Ballance of £686..14..6. is Still due to the Office for Money taken out of it, by the Act for Encouragement of able bodied freemen Voluntarily inlisted into His Majesty's Service for the expedition against Cuba, which was to have been replaced by Publick Assessment

Your Committee also finds that there is now due on Bond and Mortgage for Principal Money the Sum of £6475..16..8¼ and for the Interest due thereon to the end of the last Year of the Several Bonds the Sum of £817..14..11¾.

Your Committee find that there is still due on the Act for Encouragement of Jonas Green Passed in September 1756.

from William Hedges late Sheriff of Cecil County	£10..10..0
and John Fendall late Sheriff of Charles County	17..10..0

And that the following Sums Reported last session to be due from the Sundry Sheriffs on Ordinary Licences are still unpaid Viz.t p. 175

John Risteau late Sheriff of Baltimore County	£121..10.. 0
Henry Morgan late Sheriff of S.d County	26.. 2.. 6
Thomas Sheredine late Sherff of S.d County	24.. 5.. 6
John Smith late Sheriff of Cecil County	49.. 8.. 4
John Parran late Sheriff of Calvert County	11..17.. 6
Osborn Sprigg late Sheriff of P.r Georges County	131..16.. 5½
Walter Hanson late Sheriff of Charles County	23..15.. 0
W.m Maduit late Sheriff of P.r Georges County	£59..19.. 4½

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Nov. 24

ditto for five Ordinary Licences charged by Mistake to John Cook as ꝑ the following Remark, Commission Deducted	11..17.. 6
	71..16..10½

Your Committee find on enquireing into the Ballance of £96..6..3 Reported last session to be due from John Cook late Sheriff of Prince Georges County, that the Committee in the Year 1756 made a mistake in saying there was due from the said Cook £47..5..8¾ for Ordinary Licences in 1753. as that Sum appears to have been included in the said Ballance of £96..6..3 which mistake being rectified, and the said John Cook making it appear to your Committee, that part of the Ordinary Licences charged to him in the year 1746, and before they were required by Law to be paid down, was not received by him, but putt into the Hands of William Mauduit the Succeeding Sheriff to collect, and that there were other errors in the list of Ordinary Licences returned that Year, by double charges and otherways for his Prejudice to the amount of £19..8..7¾ and that there is really due from the said John Cook no more than £29..11..10½

Your Committee having during the Present Session counted and Burnt the Sum of £10,573..16..6 Part of the Money received in Virtue of the Act for granting a Supply of Forty Thousand pounds for His Majesty's Service, and Striking Thirty four Thousand & fifteen Pounds Six Shillings thereof in Bills of Credit and raising a fund for Sinking the Same which they have placed to the Credit of Iron Chest N.^{o} 2. as per following State thereof compared with the Day Books and Several Vouches from which the said Account is raised and closed to the 22^{d} Day of November 1763, will appear

D..^{r} Iron Chest N.^{o} 2.

To Ballance as ꝑ Account in Report of the Committee April 1762........................	£2,262..16.. 0½
To Money paid in for duty on Writts of Stamps from Ap:^{l} 10.th 1762 to Nov:^{r} 22.^{d} 1763.....	909.. 3..10
To d.^{o} paid in for excise on Liquors in Same time.	2,587.. 5.. 1¼
To ditto paid in for Tax on Batchelors in Same time	904.. 1.. 2
To d.^{o} paid in for Billiard Tables in Same time...	52..13.. 7
To d.^{o} paid in for Land Tax d.^{o}.................	3,590..17.. 9¼
To d.^{o} p.^{d} in for Duty on Horses d.^{o}............	17..11.. 0½
To d.^{o} p.^{d} in for d:^{o} on Servants & Negroes d.^{o}...	1,027..12..10
To d.^{o} p.^{d} in for Ordinary Licences d.^{o}..........	1,528.. 6.. 6¾
To d.^{o} p.^{d} for tax on Chair Wheels d.^{o}..........	698..14.. 6
To d.^{o} p.^{d} in for Pedlars Licences d.^{o}............	58..10.. 0
To d.^{o} for Pitch Tar and Turpentine...........	98..12.. 8¼
	£13,736.. 5.. 1¼

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ꝑ Contra C.^{r}	
By Money paid William Thomas Rent Roll keeper of the Eastern Shore his Commissions of 2½ ꝑ Cent on the Land Tax................	£52.. 9.. 9¼
By Money burnt by the Committee this session....	10,573..16.. 6
	£10,626.. 6.. 3¼
Ballance in Chest 22^{d} November 1763...........	3,109..18..10
	£13,736.. 5.. 1¼

Your Committee begg leave to observe that in the Above Ballance is included the £2121,, Appropriated for the payment of Indian Scalps and Prisoners, Your Committee find by An Account from the Trustees in London Dated 29.th of Ap:^{l} 1762, that there was then Capital Bank Stock belonging to the Province £35,500,, which cost £44,495..12..6 and that there was a Ballance over, not invested of £230..7..2 Since which the Trustees have sent no Account Your Committee have Inspected the Returns and payments of the Several Officers and Collectors of the Funds under the aforementioned Act, and find the following deficient in their Duty, Viz.^{t}

The Sheriff of S.^{t} Mary's County for the Batchelors Tax in 1763, and the Collector of Excize of Said County, for One Year Excize due the 29.th of Sept.^{r} 1763, and the Clerk of Said County has made no Payments Since Feb.^{y} 25.th 1762

The Collector of Excize for Kent County has rendered no Account, nor paid any Excize from March 25th 1759. to Nov.^{r} in that Year, nor Wheele Carriages for 1757, and the Sheriff of that County owes a Ballance of £32..8..4½ for Ordinary Licences in 1761. and One p. 177 pound thirteen Shillings and three pence for Ordinary Licences in 1762—The Collector of the Land Tax for Ann Arundel County hath not paid the Land Tax from Sept.^{r} 29th. 1761 to 25th March 1763, nor the Sheriff the Batchelors Tax for 1762 and the Collector of the Excize for the same County from 29th Sept.^{r} 1761 to June 1763—The Sheriff of Calvert County has not accounted for the Batchelors Tax in 1759, And the Collector of Excize of Same County has not paid the half Years Excize due 29th September 1763—The Sheriff of Prince Georges County has not paid the Batchelors Tax for 1762. And the Collector of the Land Tax of said County is indebted for half Years Land Tax ending 29th September 1762, Nor have they or the Collector of Excize of that County accounted for any Duties and Taxes of the Present Year,

The Sheriff of Charles County Owes £35.9.4 on Account of Ordinary Licences 1762.—The Collector of Excize of Queen Anns County has not accounted nor paid between 12.th Ap.^{l} 1762. and 29th Sept.^{r} 1763.

U. H. J. Liber No. 36 Nov. 24 The Sheriff and Collector of excize and Land Tax of Cecil County has rendered no accounts nor paid any Money for Wheel Carriages in 1755 and 1756, nor for Billiard Tables or Batchelors Tax in 1756, 1757, & 1763 or for Excize or Land Tax from June 1756, to Nov.^r 1757, also owes half a years Excize ending 29th Sept.^r 1763.

The Sheriff of Baltimore County has not accounted for the Batchelors Tax in 1763 the Collector of the Land tax has not paid the half Years Ending March 25th 1763, nor has the Collector of the Excize accounted for or paid the half Years Excize to 29th September 1763,—The Sheriff of Talbott County has not paid the Batchelors Tax in 1763, nor the Taxes on Wheel Carriages and Billiard Tables for 1762, And the Collector of Excize of Same County has not paid the half Years Excize due 29th Sept.^r 1763,—The Sheriff of Worcester County has not accounted for any Wheel Carriages in 1761, and 1762, nor paid the Batchelors Tax in 1762, and 1763, and the Collector of Excize of said County hath not paid the half years Excize due 29th. 1763.

The Sheriff and Collectors of Excize and Land Tax of Frederick County has made no payment of any of the Taxes and Duties due this Present Year, All which is Submitted to the Consideration of both Houses of Assembly this 24th Day of Nov.^r 1763,

Benedict Calvert	Henry Hall
Walter Dulany	Josias Beall, Jun.^r
Tho.^s Ringgold	John Hanson, Jun.^r
Brice B. Worthington	Charles Grahame

p. 178 A Bill from the Lower House by Mess.^rs Gant and Worthington Entituled An Act to provide for the Defence and Security of the Frontier Inhabitants against the Incursions of the Indians and for the better Regulation of Ordinarys and Ordinary Keepers within this Province thus Endorsed

By the Lower House of Assembly 23.^d November 1763

Read the first time and Ordered to lye on the Table

Signed ℘ Order MMacnemara Clk. Lo. Ho.

By the Lower House of Assembly 24.^th Nov.^r 1763.

Read the second time and will pass

Signed ℘ Order MMacnemara Clk. Lo. Ho.

A Message from the Lower House by Mess.^rs Steuart and Grahame

By the Lower House of Assembly 24.^th Nov.^r 1763

May it please your Honours

This house hath resolved that a Sum of Money not exceeding three hundred pounds be taken out of the Hands of the Treasurer of the Western Shore by an Ordinance to be applied by Members of your House as you shall appoint to join the Members appointed by this House for the necessary Repairs of the Publick Buildings and an Addition of a Chimney to the Stadt house and we shall be glad to know whom you will appoint for that Purpose that their Names may be inserted in the Ordinance U. H. J. Liber No. 36 Nov. 24

Signed ꝑ Order MMacnemara Clk. Lo. Ho.

Moved that the following Amendment may be made to the Bill Ent.[d] An Act to provide for the Defence and Security of the Frontier Inhabitants against the Incursions of the Indians and for the better Regulation of Ordinarys and Ordinary keepers within this Province viz.[t] that the Act be continued instead of the Term of Seven Years untill the Money's Proposed by it to be taken out of the hands of the Treasurers be replaced and no longer Upon which the Question was put and determined in the Negative

Where upon it was proposed that an Amendment to this Effect should be made to the Bill Ent.[d] An Act to provide for the Defence and Security of the Frontier Inhabitants against the Incursions of the Indians and for the better Regulation of Ordinarys and Ordinary keepers within this Province viz:[t] That the Money be taken out of the Treasurers Hands for the Support of the Company of Rangers proposed to be raised for the Protection of the Frontier Inhabitants p. 179 be replaced by the surplus Money that is or may be raised by Virtue of the £40,000 Act and the Ordinary Licences to make good any Deficiency and which was agreed to and Ordered that A Message to that Purpose be Proposed

An Engrossed Bill from the Lower House by Mess.[rs] Beall & Maj: Waring Entituled An Act for erecting a Publick School in Frederick County thus Subscribed

24th. November 1763

Read and assented to by the Lower House of Assembly

Signed ꝑ Order MMacnemara Clk. Lo. Ho.

Adjourned till 3 of the Clock in the afternoon

Eodem Die Post Meridiem

This house met again according to Adjournment

Present as in the Morning

Read the first and Second time the Bill Ent.[d] An Act to provide for the Defence and Security of the Frontier Inhabitants against the Incursion of the Indians and for the better Regulation of Ordinarys & Ordinary keepers within this Province and will not Pass Sent with the following Message by John Ridout Esq.[r]

By the Upper House of Assembly 24th. Nov.[r] 1763

Gentlemen

We are Sincerely desirous that some measure may be taken for the Protection of the Inhabitants on the Western Frontiers, but as

U. H. J. Liber No. 36 Nov. 24 there is a Sum of Money in the Loan office Unappropriated which hath been levid under the £40,000 Act for the Defence of the Province and more will be paid in by Virtue of that Act, We Proposed that such Monies may be Applied in the first Place to the Purposes intended by your Bill, and that the Sums arising from the Ordinary Lycences may be granted to make good any Deficiency there may be after the Application of the monies above mentioned in the Bill for the Regulation of Ordinary keepers be continued Accordingly.

Signed ℘ Order John Ross Clk. Up.^{r} Ho.

The following Message is sent by Benedict Calvert Esq.^{r}

By the Upper House of Assembly 24th. Nov.^{r} 1763

Gentlemen

This House has appointed Daniel Dulany & John Ridout Esq.^{r} p. 180 to join the Gentlemen you may name to agree for the Repairs of the Publick buildings at the same time we think ourselves obliged to mention that the Sum Proposed by you to be expended wherein is not Sufficient to Procure all the Repairs that may be necessary and therefore Propose to you that it may be Increased

Signed ℘ Order John Ross Clk. Up.^{r} Ho.

A Bill from the Lower House by Mess:^{rs} Key and Johnson Ent.^{d} a supplementary Act to an Act Ent.^{d} An Act for the Speedy and Effectual Publication of the Laws of this Province and for the Encouragement of Jonas Green of the City of Annapolis Printer thus Endorsed

By the Lower House of Assembly 24th November 1763

Read the first and Second time by Especial Order and will pass.

Signed ℘ Order MMacnemara Clk. Lo. Ho.

Read the first and second time in this House, Passed and Sent by John Ridout Esq.^{r}

The following Ordinance is brought from the Lower House by Doct.^{r} Steuart and Walter Dulany Esq.^{r}

An Ordinance for the immediate repair of the Court House and other Publick Buildings within the City of Annapolis

It is Ordained by His Excellency and the Upper and Lower Houses of Assembly that a Sum not exceeding three hundred Pounds shall be paid to Daniel Dulany, John Ridout, Walter Dulany, George Steuart, and Brice Thomas Beale Worthington Esquires—by the Treasurer of the Western Shore out of the Publick Money now in his hands to be laid out by the Said Daniel Dulany, John Ridout, Walter Dulany, George Steuart, and Brice Thomas Beale Worthington Esquires—or any two or more of them for the immediate and necessary Repairs of the Council House, Court House, Repository and Paper Currency Office within the City of Annapolis a regular and clear Account of the Disposition of which Money they the said Daniel Dulany, John Ridout, Walter Dulany, George Steuart, and Brice Thomas Beale Worthington Esquires—or any two or more of them are hereby directed to lay before the General Assembly at their next meeting U. H. J. Liber No. 36 Nov. 24

24th. Nov.^{r} 1763
Read and assented to By the
Lower House of Assembly
Signed ꝑ order
Henry Hooper, Speaker

Hor.^{o} Sharpe

24th. Nov.^{r} 1763
Read and assented to by the
Upper House of Assembly
Signed ꝑ order
Benjamin Tasker, President

The Several Paper Bills the Originals of which are passed this Session are Sent to the Lower House by Benedict Calvert Esq.^{r} p. 181

An Engrossed Bill from the Lower House by Mess.^{rs} Hall & Wright Ent.^{d} a supplementary Act to the Act, Ent.^{d} An Act for the Speedy and effectual Publigation of the Laws of this Province, and for the Encouragement of Jonas Green, of the City of Annapolis, Printer thus Subscribed

24.th November 1763

Read and assented to by the Lower House of Assembly

Signed ꝑ Order MMacnemara Clk. Lo. Ho.

Read and assented to by this House and ordered to be so Subscribed

Adjourned till to Morrow Morning ten of the Clock

Friday Morning 25th. November 1763. Nov. 25

This house met again according to Adjournment

Present as yesterday except Philip Key Esq.^{r}

A Bill from the Lower House by Mess:^{rs} Lloyd & Hynson Ent.^{d} An Act to revive Kent County November Court and to continue the Process thereon thus Endorsed

By the Lower House of Assembly 25th. Nov.^{r} 1763

Read the first and second time by Especial Order and will pass

Signed ꝑ Order MMacnemara Clk. Lo. Ho.

Read the first and Second time in this House Passed and Sent by John Ridout Esq.^{r}

U. H. J. Liber No. 36 Nov. 25 An Engrossed Bill from the Lower House by Mess.rs Lloyd & Hynson Ent.d An Act to revive Kent County November Court and to continue the Process thereon thus Subscribed

25th. November 1763

Read and assented to by the Lower House of Assembly

Signed ꝑ Order MMacnemara Clk. Lo. Ho.

Read and assented to by this House and Ordered to be so Subscribed

The Paper Bill is so Endorsed and sent to the Lower House by John Ridout Esq.r

A Message from the Lower House by Mess.rs Ringgold and Hammond

By the Lower House of Assembly 25th. November 1763

May it please your Honours

p. 182 If Your Honours were really disposed to Preserve that Harmony [*The message which begins thus is printed in full in the Lower House journal pp. 402-404*]

p. 184 Adjourned till 3 of the Clock in the afternoon

Eodem Die Post Meridiem

This house met again according to Adjournment

Present as in the Morning

A Message from the Lower House by Mess:rs Tilghman & Steele

By the Lower House of Assembly 25th. Nov.r 1763.

May it please your Honours

We are very sorry you should return with a Negative the Bill for the Speedy Payment [*The message which begins thus is printed in full in the Lower House journal pp. 405-406*]

p. 185 A Message from the Lower House by Mess.rs Ringgold and Hall

By the Lower House of Assembly 25th Nov.r 1763.

May it please your Honours

p. 186 In answer to your Message of the 23.d Accompanying the Journal. It gives Us much Concern [*The message which begins thus is printed in full in the Lower House journal pp. 408-409*]

p. 187 Adjourned till to Morrow Morning ten of the Clock

Nov. 26 Saturday Morning 26th. November 1763

This House met again according to Adjournment

Present as Yesterday

U. H. J.
Liber No. 36
Nov. 26

The following Message is Sent by Richard Lee Esq.[r]

By the Upper House of Assembly 26th. November 1763.

Gentlemen

We did not mean to give you any Offence by the Message You have been pleased to chuse for the Subject of your Animadversions, nor can we, on the Strictest Review, discover in it any Provocation p. 188 for all that Asperity of Language, and Acrimony of Resentment of which it seems to have been the unfortunate Occasion

The Practice of retaining Bills sent to this House is founded upon Numerous Precedents, as those were upon Reason when a Measure is proposed, are we to be compelled at all Events either to give an Assent, or Dissent to it, when we have not Sufficient time to deliberate and determine upon the Propriety or Inpropriety of it, Is it not reasonable to make a reference to a future Session that there may be a Competent Interval for Consideration, when the Intricacy, and Importance of the Subject, or the extensive Influence of a Determination may require it,

But the Bill, it seems, is in your Opinion as Simple and plain, as the Object of it, is usefull and necessary, although it should appear by your Votes and Proceedings that a very great Majority, or even every Member of your House may be of that Opinion, must it therefore be a matter of such absolute Certainty as to exclude all possibility of any real Diversity of Sentiment among other People if not, why should our Hesitation provoke so great resentment? you are pleased to observe that you did not in your Message of the 22.[d] Instant desire us to come to any Determination upon the Bill, but that it might be returned to you with such Propositions for amendments as we might think Expedient, But surely, if you will stop One Moment to Consider, You can't fail to discover that we could not make any Propositions for Amendments till we had first determined, what was Proper to be rejected, and what fit to be adopted, or in other words, till we could come to a full and comprehensive Determination upon the Plan of the Bill & every part of the execution of it, To do this, we told you, we had not time, especially as several of our Members were by Sickness rendered unable to attend the Business of the House, you expressly said, in one of your Messages, that the Bill was Plain and Simple, and we inferred it to be your Opinion that it was perfect too, because we Presumed, that you would not otherwise have offered it for our Concurrence, as without such an Opinion it would have been a Strange Piece of Conduct to desire it might have the force of a Law, perhaps you imagined that we meant this Passage of our Message as a Citation from yours & that we had foisted imperfect where it was not to be found, But a review of our Message will evince your Mistake, and acquit us of Mis-

U. H. J. Liber No. 36 Nov. 26 p. 189 representation, (unless we Misrepresent you by expressing ourselves in such a manner as implies an Opinion that you do your Duty: We are persuadetd that our Conduct in retaining the Bill is Strictly defensible upon the Authority of the most reasonable Precedents, and tho it is not without some concern, that we Observe the querulous Disposition it has excited, yet we must take the Liberty at the same time to intimate, that the Priviledge we have Asserted (which you hardly attempt to impugn by your last Message), tho you Signify some dislike of it) We shall at all times for the future exercise when we shall think it expedient, without being deterred by the apprehension of injurious Imputations and groundless Reproaches, Our Right being Settled, the Indignity offered in proposing that a Copy of the Bill be delivered by our Clerk to yours for its Publication, will appear to be no more, than uncovering, and obviating your Pretence, and vindicating and preserving our Right.

Signed ℘ Order John Ross Clk. Up.r Ho.

The following Message is Sent By Benedict Calvert Esq.r

By the Upper House of Assembly 26.th Nov.r 1763

Gentlemen

You having thought proper to blend your own Conduct with that of former Assemblies, and to make their Resolves the Basis of your Proceedings, we are necessarily led to take notice of what they have done, in order to explain the views and motives by which the two Houses are influenced at this time when these are attended to, we Expect that the Expediency of what we Proposed in our Message of the 22.d Instant will be Sufficiently evident—When the Ravages committed by the Savages on our Frontiers, and the distressed Situation of the Inhabitants of those Parts pointed out the necessity of an Armed Force to repell the Invaders, and Protect our fellow Subjects, and it was found that all the arguments of compassion, and Duty were in vain urged to your House, The Governor was put to the disagreeable necessity of Exercising his Authority over the Militia, and ordering them upon actual Service This step which the daily Murders, and depredations committed by the Enemy, and the inability of the Frontier People to Defend Themselves, renderd unavoidable, Your House thought fit to arraign, and censure, & that Power which y.e Duty of the Governors Station constrained Him to exercise, great Pains were taken to represent as a wanton Oppression, and violation p. 190 of the Laws with this Spirit, Resolves were passed and published & propagated, Resolves Calculated to Produce Disquiet in the minds of the People, & Shake their Obedience to Government, and in Proportion to these Effects, to expose Them to the merciless Rage of a Savage Enemy. Consistent with this view of weakening the Sanction of the Militia Law and palliating a Conduct in your Predecessors extremely reprehensible, when ever your House has thought proper, to take notice of the Demands of the Militia for their services, you have industriously avoided to call them by their Proper name; with this View, in all your late Resolutions, you have indeed distinguished Them from the other publick Creditors, and with this View, you now endeavour to distinguish Them; But They having, in Truth, served, as Militia, and been ordered upon Duty, as militia, They ought to be paid, as Militia, and as such, by An express Law, as obligatory, and Necessary as any we are governed by, They are to be paid in the Publick Levy, and whatever concern you may really feel at our not agreeing to their being paid in any other manner, You can hardly be Supprised at it, Since, when they shall be Regularly paid, the Impotence of your Resolves, opposed to the Obligation of the Laws, will be acknowledged, and the Authority of Government admitted, Purposes of too much Consequence to the good order, and welfare of the Province to be neglected—The overplus of the Funds established to Support the Expences of the War might be applied to the present Defence of the Province with greater Propriety, than to the Satisfaction of the Militia, who are directed to be paid, by the clear terms of an express Law, now in full force, and Vigour, in the Public Levy—If those who by their Conduct have Contributed most to the Encrease of the Publick Debts ought to be paid last, we shall hardly be thought Partial to ourselves, when we express a willingness to be satisfied for our attendance at the same time with yourselves, We don't undertake entirely to judge in this matter, For as you well know that a Considerable Part of that Debt was Contracted in Consequence of your Perseverance in the Assessment Bill, So you know also that, In the Opinion of a very respectable judge, Who is not Interested in our disputes, We could not Concur with you in your favourite System, Consistently with the Principles of our Constitution

U. H. J.
Liber No. 36
Nov. 26

The Claim you allude to, and are pleased to term unreasonable, We Conjecture to be the Demand of the Council; But What ever Compliment you may think your Steady Opposition to this Claim merits, We hope you have Some more valuable Service to boast of, for otherwise it would be a poor Complyment indeed, and something more than an implied Acknowledgment that your Conduct ought to Distinguish you from other Publick Creditors, to say, that you have done no better Service, than what results from a fruitless Opposition to a Demand, which has always been allowed in every Publick Levy

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Signed ꝑ Order John Ross Clk. Up.^{r} Ho.

The Following Message is sent by John Ridout Esq.^{r}

By the Upper House of Assembly 26.th November 1763

Gentlemen

Having for the Reasons already communicated to you & which we apprehend will Sufficiently justify that part of our Conduct rejected

U. H. J. Liber No. 36 Nov. 26 the Bill you had thought fit to frame for paying the Militia, and some other Publick Claimants, Common Justice to such Claimants made Us recommend it to You to replace in the Journal their Several Accounts or Allowances, in Order that they may not be in a Worse State than other Publick Creditors for had the two Houses agreed to pass the Journal and thereupon a Levy Bill in the usual Form had been enacted into a Law such Militia and other Creditors instead of having a preferance would otherwise have had reason to complain of the greatest partiality and Injustice If you are for your parts of Opinion that it would be mispending time at Present to make such Additions to the Journal as we recommended, we do not blame You for declining it, nor would we advise you to make them at any future Session, unless you shall at the same time resolve to make M.^r Ross the Usual Allowance for the Services as Clerk of the Council, since it is the Determined Resolution of this House never to pass any Journal without it, The Omission of a Single Claim so just as this, established on the most reasonable Grounds, and constantly allowed ever since the Resolution at least, and we believe ever since the first settlement of our Constitution, was enough to make Us suspect other Omissions, and on a cursory perusal of it we found our Suspicions were not without foundation, as would be made appear to you was the Journal to be again sent Us for a Proper and carefull Examination, and we are apt to think we should than discover likewise that not a few Claims are foisted in which ought not in reason to be admitted; p. 192 but as we expected on a full and accurate Examination we did not choose to discover many more particularly a few Omissions that were obvious lest you should thence conclude it would pass when they alone were rectified. We do not affect ignorance of the Refusal of the Lower House in 1756. to make M.^r Ross the Usual Allowance, and we also heard of the Vote you had passed this Session relative thereto, but however obligatory you may consider such Votes, You must not imagine they will have the least Weight with this House unless you can convince Us of their being reasonable and consistent with Justice, which is by no means the Case on the Present Occasion, If Gentlemen you can shew Us any Presedent of a Clerk of the Council, appearing before the Committee of Lower House or delivering them an Account to shew by what Particular Services he had earned the Tobacco annually allowed them on the Journal, We will recommend it to M.^r Ross to make you out a Bill of Particulars but if no such Presedent can be produced to countenance Your Requisition, We are not dispossed at this time to suffer such Innovations, or gratify the Curiossity you have to know on what Particular Business the Gentlemen of the Council have from time to time been called together or consulted, How much the Money annually collected in this Province for the Support of Government might amount to, We do not exactly know, But we believe it is far short of what you Would

U. H. J. Liber No. 36 Nov. 26

have it supposed, that not a Shilling is collected contrary to Law, and that in the Payment every Indulgence which reasonable People can desire is given both by the Lord Proprietary and His Lieutenant Governor, His Lordship's Income does we presume enable him to do many generous things, but we cannot think that because he is able he therefore ought to make the Clerk of the Council a full Compensation for his Services, When his Lordships knows that such Clerk is a Constitutional Officer & has always been paid in the manner we insist shall be continued, We are not much Surprized at your Concluding from the members of this House Waving at the time the last Levy Bill was passed their respectfull in Claims as Councillors, that we should not insist on the Usual allowance being made at this time to M.r Ross, But however strange the paying more Regard to others Interest than One's own might at Present appear to You, We shall by our Proceedings endeavour to convince You that such a thing is not impossible, And at the Same time take the Hint you are Pleased to give Us of the Danger of making any more Concessions of the kind You mention, or waving any Right for the future in order to obtain a present or temporary Good to the Province, Sorry we are that the Publick Credit which it is incumbent on both Houses, To support is by reason of Your unwarrantable pretentions reduced to the lowest Ebb, But we flatter ourselves that if Your Constituents are actuated by any Principal of Justice of which we have not the least Doubt, they will not lay the Blame at our Door, or wish Us to revive such Credit by making a Sacrifice of a Single just Creditor, in which light we are confident M.r Ross must appear to Every One of them that has not been taught to believe the People's Representatives alone ought to be invested with all the Powers of Government executive as well as Legislative, and that Consequently both the Council and their Clerk should be annihilated as soon as possible, Whatever Opinion you may entertain Gentlemen of it's being the peculiar priviledge of the Lower House of Assembly of this Province to adjust the Publick Claims we Positively deny their having always or ever exercised such Priviledge exclusively, being able to produce numerous Precedents to the Contrary, And indeed if you did not think it absolutely necessary that this House (consisting generally of too few to Spare Members for many Committees) should be Satisfied of the honest and true Adjustment of such Claims, why will you send Us the Journal to examine, and rather offer Us instead thereof a Levy Bill providing for the payment of the Publick Creditors whose Claims You may Choose to put on the same footing with your Own; and if we have no Rights to see the Vouchers exhibited by Creditors in Support of their Claims to what purpose should we look into the Journal when you send it Up to Us?—To prevent Your putting forced Constructions on any expressions in the Messages You allude to or making unfair Deductions from them in

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U. H. J. Liber No. 36 Nov. 26 order to mislead others we think it necessary to tell you plainly that it was not the Intention nor is it the Desire of this House to have a Poll Tax laid for Payment of the Publick Creditors if their shall be Money enough in the Treasury for that Purpose exclusive of what has been raised for His Majesty's Service, We are very far Gentlemen from being desirous to lay any Burthen on the Inhabitants that can possibly be avoided, and well would it be for the Good People of this Province of whose Applause You seem so Confident, if it was as much in our power as Inclination to lighten those that will Necessarily fall on them

p. 194 Signed ꝑ Order John Ross Clk. Up.r Ho.

A Message from the Lower House by M.r Sullyvan & Jacobs

By the Lower House of Assembly 26.th November 1763

May it Please your Honours

We cannot help expressing our real concern and Disappointment at your sending down the Bill making provision for the defense [*The message which begins thus is printed in full in the Lower House journal pp. 411-412*]

p. 195 A Bill from the Lower House by Mess.rs Hanson and Wright Ent.d An Act for the Better regulating of Ordinarys and Ordinary Keepers within this Province thus Endorsed.

By the Lower House of Assembly 26 Nov.r 1763.

Read the first and second time by Especial order and will pass

Signed ꝑ order MMacnemara Clk Lo Ho:

Richard Lee and Benedict Calvert Esq.rs, sent to the Lower House to acquaint the Speaker that his Excellency requires his immediate Attendance with the Lower House to see the Bills passed both Houses this Session receive the Assent. The Lower House Attend and by their Speaker present to his Excellency the following Bills.

A Bill entitled, An Act to prohibit raising of Swine, and Geese in Charles Town in Charles County.

p. 196 A Bill entitled, An Act Impowering the Justices of Prince Georges, and Charles Counties, to Levy on the Taxable Persons of S.t Johns (commonly called King Georges Parish, in the said Counties, the sum of Fifty Six Thousand Pounds of Tobacco for the necessary Enlargement of their Parish Church.

A Bill entitled, An Act for imposing an Additional Duty of Two Pounds ꝑ Poll on all Negroes imported into this Province.

A Bill entitled an Act to continue the Power of Sheriffs and Collectors, under the Act entitled, An Act granting a Supply of Forty Thousand Pounds for his Majestys Service, and Striking Thirty four Thousand and Fifteen Pounds Six Shillings thereof, in Bills of Credit, and raising a Fund for sinking the same, in Collecting and Accoutning for the several sums due in Value of that Act.

U. H. J. Liber No. 36 Nov. 26

A Bill entitled, An Act impowering Richard Richardson of Frederick County, to sell and dispose of the Lands which belonged to his deceased Father Richard Richardson, and to apply the Money arising therefrom to the uses of his said Fathers Will.

A Bill, entitled, An Act to impower the Justices of Charles County, to Levy on the Taxable Inhabitants of Port Tobacco Parish, in said County, an Additional Sum, not exceeding Two pounds of Tobacco per Poll, annually for the further Support of an Organist in the said Parish.

A Bill enttiled, An Act for erecting a Public School in Frederick County.

A Bill entitled, A Supplementary Act to an Act, entitled, An Act for the Speedy and effectual Publication of the Laws of this Province, and for the Encouragement, of Jonas Green, of the City of Annapolis Printer.

A Bill entitled, An Act to revive Kent County November Court, and to continue the Process therein.

The following Bills being assented to before were Signed by the Governor

A Bill entitled, An Act for giving a Bounty for taking Indian Prisioners, and other purposes therein mentioned

A Bill ent.^{d} An, Act for prohibiting all Trade with the Indians, for the time therein mentioned. p. 197

A Bill entitled, An Act continuing An Act, entitled, An Act for Relieving the Inhabitants of this Province from some Aggrievances in the Prosecution of Suits at Law, and for continuing the Supplementary Act thereto.

A Bill entitled, An Act continuing, An Act entitled a Supplementary Act, to the Act, entitled, An Act for the Relief of Creditors in England against Bankrupts, who have imported Goods into this Province not accounted for.

A Bill entitled An Act continuing An Act entitled, An Act for increasing the Allowance of Grand and Petit Jurors, who shall attend the Provincial Court, to limit Costs with respect to Witnesses, and granting them an Allowance for itinerant Charges.

A Bill, entitled An Act continuing An Act entitled an Act for preventing Indians disaffected to the British Interest in America from coming into this Province as Spies, or any other Evil Design,

A Bill entitled An Act continuing An Act, entitled An Act to prevent Persons from Secreting, Boats, Flats, and other Vessels, drove by Stress of Weather, or otherwise from Landings or Moorings.

A Bill entitled An Act continuing An Act, entitled An Act to remedy some Evils relating to Servants.

U. H. J. Liber No. 36 Nov. 26

A Bill entitled, An Act continuing An Act entitled An Act to prevent Masters of Ships and Vessels, from clandestinely carrying Servants and Slaves, or Persons Indebted out of this Province

A Bill entitled An Act, continuing An Act, entitled a Supplementary Act to the Act entitled, An Act ascertaining the Height of Fences, to prevent the Evil occasioned by the multitude of Horses, and restraining Horse Rangers within this Province, and to redress the great Evil accruing to this Province by the multiplicity of useless Horses, Mares and Colts that run in the Woods.

A Bill entitled An Act, continuing An Act entitled An Act for the Gauge of Barrels for Pork, Beef, Pitch, Tar, and Turpentine, and Tare of Barrels for Flour or Bread.

p. 198 A Bill entitled a Supplementary Act to the Act for the Relief of Creditors, and to prevent Frauds and Deceits, occasioned by secret Sales and Mortgages, and Gifts of Goods and Chattels.

A Bill entitled An Act to aid the Proceedings of the Vestry of S.^t Stephens Parish in Cæcil County.

A Bill entitled, An Act to impower John Paca, Robert Adair, Moses Hill, and Margaret his Wife, to sell and dispose of the Lands therein mentioned, late the Lands of William Hammond of Baltimore County, deceased, for the payment of the Debts of the said William Hammond.

A Bill entitled A Supplementary Act to the Act entitled, an Act for erecting a County School in Worcester County, and appointing Visitors for the same

A Bill entitled An Act for the Adjournment and Continuance of Fred.^k County Court.

A Bill entitled An Act for amending the Staple of Tobacco for preventing Frauds in his Majestys Customs, and for the limitation of Officers Fees

A Bill entitled An Act for the Adjournment of Prince Georges County Court.

A Bill entitled, An Act to enable the Vestrymen and Church-Wardens of the Parish of S.^t Margarets Westminster, in Ann Arundel County, for the time being, to sell a Tract of Land therein mentioned, and to apply the Produce Money, arising by such Sale, towards the purchase of another piece of Land to be made a Glebe, for the use of the incumbent of that Parish, and his Successors

A Bill entitled, An Act for the Speedy Recovery of Small Debts out of Court before One Justice of the Peace.

A Bill entitled, A Supplementary Act, to the Act entitled, An Act for emitting and making Current £90000 Current Money of Maryland, in Bills of Credit.

A Bill entitled an Act for the Advancement of Justice.

U. H. J.
Liber No. 36
Nov. 26

A Bill entitled, An Act for the more effectual Securing of Orphans Estates

A Bill entitled, An Act to confirm the Sale of certain Land lying in Eastern-Neck Island in Kent County, by Draper Lusby and Frances his Wife, Executrix of John Hynson deceased to Matthew Bryan.

p. 199

All which his Excellency passed into Laws in the usual form, by Sealing them with the Right honourable the Lord Proprietary his great Seal at Arms and subscribing them On behalf of the Right Honourable the Lord Proprietary of this Province. I Will this be a Law.

After which his Excellency was pleased to Conclude this Session with the following Speech.

Gentlemen of the Upper and Lower Houses of Assembly.

I have thought fit, with the Advice of his Lordships Council of State, to prorogue this Assembly to the first Tuesday in May next.

Thus ends this Session of Assembly begun and held at the City of Annapolis on Tuesday the 4th day of October, ending the 26th day of November following in the Thirteenth Year of his Lordships Dominion Annoq.^{e} Domini 1763.

John Ross Clk Up.^{r} House

PROCEEDINGS

OF THE

LOWER HOUSE OF ASSEMBLY

L. H. J.
Liber No. 52
1763
Oct. 4
p. 93

At a Session of Assembly held at the City of Annapolis on Tuesday the 4.th day of October Anno Domini 1763. and in the 13.th year of the Dominion of the right hon.ble Frederick absolute Lord and Proprietary of the Provinces of Maryland and Avalon Lord Baron of Baltimore (his Excellency Horatio Sharpe Esq.r being Governor) the following Delegates appeared in the Lower House of Assembly, Vizt

The Hon.ble Col.o Henry Hooper Esq.r Speaker

for S.t Marys County
John Hall Esq.r

for Kent County
Major. W.m Hynson
M.r Tho.s Ringgold
M.r Simon Wilmer

for Ann.le County
M.r B. T. B. Worthington
John. Hammond Esq.r
M.r Henry Hall
Tho.s Johnson. Esq.r

for Calvert County
M.r J. J. Mackall
M.r B. Mackall
M.r Edw.d Gantt.

for Charles County
M.r George Dent.
M.r J. Truman Stoddert

for Somerset County
M.r William Adams

for Talbot County
M.r Pollard Edmonson
M.r W.m Thomas

for Baltimore County
M.r John Hammond Dorsey

for Cæcil County
M.r W.m Ward

for Prince Georges County
Major ffrancis Waring
M.r Mordecai Jacobs

for the City of Annapolis
M.r Walter Dulany
D.r George Steuart

for Queen Anns County
M.r Robert Lloyd

for Worcester County
M.r Benton Harris
M.r William Allen
M.r Peter. Chaille

for Frederick County
Col.o Thomas Cresap
M.r Thomas Beattys
M.r Nathan Magruder
Cap.t Joseph Chapline.

A sufficient Number of Delegates to compose the Lower house of Assembly being Convened at the Stadt house. L. H. J. Liber No. 52 Oct. 4

Ordered that Doctor George Steuart and M.r Robert Lloyd do acquaint his Excellency the Governor therewith.

Stephen Bordley and John Ridout Esq.r from the Upper house acquaint M.r Speaker that the Governor requires the attendance of the Lower house immediately in the Upper house.

M.r Speaker left the Chair and attended with the Members of the Lower house went to the Upper house where his Excellency made the following Speech (Vizt)

Gentlemen of the Upper and Lower Houses of Assembly.

The unexampled Successes with which his Majesty's Vigorous Measures—were Blessed during the Course of the late War, having, Since I had last an opportunity of addressing myself to you in your Legislative Capacity, enabled him to restore Peace to his People, on Terms of Glory and great advantage; terms particularly calculated for the future Security and prosperity of these Colonies, I cannot p. 94 open this Session without Congratulating you on that happy Event, as well as on the Auspicious Birth of a Prince of Wales under whom your Posterity may enjoy the innumerable Blessings, We in Common with the rest of his Majestys Subjects, at this Period derive from the Propitious Reign of the Best of Sovereigns

I have been induced Gentlemen, to Convene you at this time, by an Opinion that you would be glad to have, an opportunity, before the Expiration of our Inspection Law, of considering what farther Amendments to that Act it might be expedient to make for the better advancement of our Staple, and by what other means, consistent with the Laws of Great Britain, the whole trade of this Province might be Encouraged & promoted, you will also, I presume, think it your duty to examine at this time into the State of our Public Funds; and, if necessary, to provide for any Deficiencies which may have arisen from the long Continuance of the War, or other Accidents; and if you should now have leisure to Consider the Claims which those of the Militia, whom the necessity of the times Obliged me to order into actual Service, and many other persons have on the Public. I am in hopes you will both adjust such accounts, and make the necessary Provision for payment.

Interested, Gentlemen, as you are in the prosperity and Welfare of this Province, you come together. I flatter myself at this time with a proper disposition and temper to advance it, and with a Resolution to avoid every measure that can tend to interrupt the harmony which ought to Subsist between those whose true Interests are the same, and which alone can under your meetings of any real benefit or Utility to your Country.

L. H. J. Liber No. 52 Oct. 4 The petition of Michael Macnemara late clerk of this House praying to be rechosen and presented to his Excellency the Governor in the usual manner was preferred and read.

On reading the said petition the Question was put that the said Michael Macnamara be rechosen Clerk of this house.

Resolved in the Affirmative.

Ordered that M^r^ John Mackall and M^r^ Hammond do acquaint his Excellency the Governor that this house has made Choice of M.^r^ Michael Macnemara as Clerk of the house and desire to know if he approves thereof. They return and acquaint M^r^ Speaker that the Governor Signified his approbation of the choice and desired that he might be sent to the Upper house to be qualified.

Ordered that M.^r^ Worthington and Doctor Steuart do go with M^r^ Macnemara to the Upper house to see him qualified as Clerk. They return and acquaint M.^r^ Speaker that they saw M.^r^ Macnemara take the several Oaths to the Government required by Law Subscribe the Oath of Abjuration repeat and Sign the Test and take the following Oath (Viz.^t^)

You Michael Macnemara do Swear, that, as Clerk of the Lower house of Assembly, you shall true Entries make of all such matters and things, as by the hon.^ble^ Speaker for the time being and that house shall be to you directed the Secrets of the said house you shall not divulge, to the prejudice of the house or any Member thereof; but shall in all things, as Clerk to the said house, well and truly demean yourself according to the best of your knowledge. So help you God.

p. 95 M.^r^ Edmund Key a Delegate returned for S.^t^ Marys County and M^r^ Nathan Baker a Delegate returned for Cæcil County appeared in the house. Ordered that M^r^ Benj.^a^ Mackall and M.^r^ Ward do go with those Gentlemen to the Upper house to See them qualified.

They return and acquaint M.^r^ Speaker the Gentlemen were qualified in the Usual manner by taking the several Oaths to the Government required by Law by Subscribing the Oath of Abjuration and by repeating and Signing the Test.

The Gentlemen Severally took their Seats in the house.

Resolved that the hours of Sitting during this Session for dispatch of Publick business be from Nine of the Clock in the forenoon untill Twelve, and from two of the Clock untill five afternoon.

Ordered that M.^r^ John Hall do acquaint the Rev.^d^ M.^r^ Dewie that he is desired by this house to read devine Service during this Session every morning at a quarter before nine and at five afternoon.

On reading a Second time the Governors Speech Ordered that M.^r^ Robert Lloyd. M.^r^ J. Hall. M.^r^ Johnson M^r^ Ringgold M.^r^ J. Hammond M.^r^ Key and M^r^ Dulany do prepare and bring in an Address in Answer thereto.

The house adjourns till 2, of the Clock afternoon.

L. H. J.
Liber No. 52
Oct. 4

Post Meridiem.

The house met according to adjournment. the Members were called and all appeared as in the Morning.

M.r J. Hall acquaints M.r Speaker that he had informed the Rev.d M.r Dewie with the request of this House who promised to read divine Service accordingly.

M.r Ringgold from the Committee appointed to prepare an address to the Governor acquaints M.r Speaker that that Committee had made choice of Mr John Allen Thomas for their Clerk and desires the Approbation of the house.

The house approved the choice and Ordered that he be qualified in the Usual manner.

M.r John Adams appeared in the house.

The house adjourns till the Morrow Morning at 9. of the Clock

Wednesday 5.th Oct.r 1763.

Oct. 5

The house met according to Adjournment. the Members were called and all appeared as yesterday Except M.r Worthington.

The proceedings were read.

Doctor Steuart acquaints Mr Speaker that M.r J. Allen Thomas had taken before him the Several Oaths to the Government required by Law Subscribed the Oath of Abjuration repeated and Signed the Test. and the following Oath. Viz.t

You Allen Thomas, do Swear, that you will true Entries make of all such Matters and things, as shall be to you directed by any Committee of the Lower house of Assembly, for whom you shall Act as Clerk; and that you will not divulge the Secrets of the said house of Assembly, or of any Committee thereof, but will in all things, well and truly demean yourself, according to the best of your knowledge. So help you God

On Motion Ordered that M.r Speaker do issue his Warrant to the deputy Secretary of this Province to make out a new writ of Election directed to the Sherif of Dorchester County to Elect a Delegate to Serve in the General Assembly of this Province now Sitting in the room of Charles. Goldsborough Esq.r called to the Upper house.

M.r Robert Lloyd from the Committee appointed delivers to Mr Speaker an Address to his Excellency the Governor, which was Read Approved and Ordered to be Ingrossed. p. 96

Ordered that the following Rules be Observed as such during this Session, Vizt

L. H. J. Liber No. 52 Oct. 5

That no Member of the house shall use any reviling Speeches, or name any Member by his proper name, otherwise than for Distinction's Sake, but shall rather use some other Signification as, the Gentleman that Spoke last, or the like.

That no Member Speak above once upon any debate, without Licence of the house, declared by the Speaker; and if two Persons, or more, shall rise up together, the Speaker shall appoint who shall Speak first, and no Member shall interrupt any other, untill the Gentleman Speaking hath ended.

That none shall deliver his Opinion, or Speak to any Bill or debate, unless he shall Stand up; and reverently direct his Speech to the Speaker.

That every Bill proposed by the house, shall be read two several Days before it is sent to the Upper house, and once after before it be Ingrossed; and that between every Reading, One Day shall be intermitted; and that in that time, the Bill be laid on the Table, for the Perusal of all the Members, unless on very urgent Occasions, M.r Speaker, with the Consent of the house, shall dispence therewith, and then one Bill being read twice at one Sitting, shall be as Sufficient as if Read several days, when so entered in the Clerks Journal

That no person come into the house of Assembly whilst the same is Sitting with sword or other Weapon, upon penalty of Such fine as shall be imposed on them by the Speaker not exceeding five Shillings for anyone Offence.

That if any Member, bound to attend this Assembly, shall be Absent at the hours and place appointed, after the Number of Twelve of the Members with the Speaker, are met according to the Order for Sitting shall be fined according to the discretion of the Speaker not exceeding five Shillings for any Offence unless upon such lawful excuse as the Speaker shall admit of.

All Misdemeanors which shall happen in the house, shall be censured and fined in the house

That no Bill Shall be read at any time during this Session, till all the Members in Town be called in, except, on some excuse to be admitted by the Speaker

That if any Member of this house do depart, without leave from the hon.ble Speaker and the house, such Member shall forfeit all his preceding Allowances due to him for his attendance that Session.

The house Appointed Major Waring Major Hynson Mr Dent Mr Thomas Mr Allen and Mr Key a Committee of Acc.ts

Mr Allen M.r Hall Mr Edmunson Mr Ringgold Mr Harris and Mr Jacobs a Committee of Elections and privileges.

Doctor Steuart M.r H. Hall M.r Dulany Mr Robert Lloyd M.r J. Hall Mr J. Adams & Mr J. Hammond a Committee of Grievances and Courts of Justice

M.r B Mackall Mr J. J. Mackall Col.o Cresap Mr Thomas and Mr W.m Adams a Committee to enquire into the State and condition of the Arms & Ammunition & acc.ts relating thereto. L. H. J. Liber No. 52 Oct. 5

Mr Dulany Mr Ringgold Mr Worthington Mr Robert Lloyd Mr Stoddert & Mr Henry Hall a Committee to inspect the Acc.ts & proceedings of the Commissioners or Trustees for emitting bills of Credit established by Act of Assembly.

M.r Hammond Mr Allen Mr Ringgold Mr Harris Mr Chaillé Mr Johnson and Mr Key a Committee to inspect into the Several publick Offices and to Report to the house the Condition and state thereof. p. 97

Mr Loyd brings in and delivers to Mr Speaker the following Ingrossed Address (Vizt)

To his Excellency Horatio Sharpe Esq.r Governor and Commander in Chief in and over the Province of Maryland.

The Humble Address of the House of Delegates.

May it please your Excellency

We his Majesty's most dutiful and loyal Subjects the Delegates of the Freemen of the Province of Maryland, in Assembly convened, return your Excellency our unfeigned thanks for your Speech at the Opening of this Session. We most heartily and Sincerely Rejoice with your Excellency, on the late glorious Peace, which the Wisdom of his Majesty's Councils, Seconded by the Vigorous Efforts of his Arms, has restored to his Subjects, on terms so highly beneficial to his Dominions in General, and so particularly calculated to advance the Security and prosperity of the British Colonies in North America: and we beg leave to return your Excellency our most cordial Congratulations on the Auspicious Birth of a Prince of Wales, from which happy Event we from the pleasing Expectations, that our Posterity will enjoy the innumerable Blessings, which we, & all our fellow Subjects, at present derive from the propitious Reign of the best of Sovereigns

The Several matters which your Excellency has thought fit to recommend to our Attention, we shall take into our most Serious Consideration and enter into such Resolutions thereon as may be agreeable to Justice, and Conducive to the Interest of our Constituents

We are firmly persuaded, that Union and Harmony are Essentially necessary to effectuate the good purposes of all Public Consultations, & your Excellency may be assured we met at this time, as we ever have done, with a determined Resolution to avoid every measure that may tend to interrupt the good understanding, and mutual Confidence which alone can render our meetings of real Benefit and Utility to our Country

L. H. J. Liber No. 52 Oct. 5

Which was read and Assented to and Signed by Order of the house by the hon.ble Speaker.

The house adjourns till 2 of the Clock Afternoon.

Post Meridiem

The house met according to Adjournment &ca

Major Hynson from the Committee of Acc.ts acquaints M.r Speaker that that Committee had made choice of M.r Edward Magruder to be Clerk to that Committee and desires the Approbation of the house—the house approves the choice and Ordered that he be qualified in the usual manner.

Doctor Steuart acquaints M.r Speaker that Mr Magruder had taken before him the several Oaths to the Government required by Law Subscribed the Oath of abjuration repeated and Signed the Test and took the following Oath, (Vizt)

You Edward Magruder, do Swear, that you will true Entries make of all such matters & things, as shall be to you directed by any Committee of the Lower house of Assembly for whom you shall Act as Clerk; and that you will not divulge the Secrets thet said house of p. 98 Assembly Or of any Committee thereof; but will, in all things well and truly demean yourself according to the best of your knowledge. So help you God.

Ordered that Mr Ringgold and Mr Hammond do acquaint his Excellency the Governor that this house hath prepared and address to be presented to him and desires to know when and where he will please to receive it They return and acquaint M.r Speaker they delivered the Message and that the Governor was pleased to Signify he would receive the Address in three quarters of an hour in the Conference Chamber

Ordered that Mr Loyd and five more do present the Address to the Governor.

The following Message (Vizt)

By the Lower house of Assembly. 5.th Oct.r 1763.

May it please your Honours.

This house hath appointed Mr Dulany Mr Ringgold Mr Worthington Mr Robert Loyd Mr Stoddert and Mr H. Hall a Committee from this house to inspect the Office and proceedings of the Commissioners or Truestees for emitting bills of Credit established by Act of Assembly and desire your Honours will appoint one or more Members of your house to join in the said Committee.

Signed ꝑ Order M. Macnemara Cl. Lo. Ho.

Was Sent to the Upper house by Mr Dulany & Mr Robert Loyd.

The house Adjourns till the Morrow Morning at 9. of the Clock

Thursday 6.th October 1763

L. H. J. Liber No. 52 Oct. 6

The house met according to Adjournment. the Members were called and all appeared as yesterday. the proceeding were read. Mr Hayward appeared in the house.

On Motion the house appointed Mr Ringgold Mr Johnson Mr Hayward and Mr Loyd a Committee to enquire what Acts are near expiring and make Report thereof to the house.

His Excellency the Governor communicated to Mr Speaker the following Message (Vizt)

Gentlemen of the Lower house of Assembly.

I Return you thanks for your Obliging Address, and for your promise to take into your serious Consideration the matters I mentioned to you at the Opening of this Session the Business of which, I am encouraged by your Assurances to hope, will be conducted with such Harmony between the two Houses as must bring it to a happy Issue

Hor.o Sharpe

On Motion ordered that M.r William Hayward be added to the Committee of Accounts.

Mr Ringgold from the Committee appointed delivers to Mr Speaker the following Report (Vizt)

By the Committee appointed by the Lower house of Assembly to enquire what Laws are near expiring

Do find, that the following Laws will soon expire if not continued.

An Act continuing An Act entituled, an Act for amending the Staple of Tobacco for preventing frauds in his Majestys Customs, and for the limitation of Officers ffees. also one other Act, Ent,d a supplementary Act to the Act, Ent.d An Act for amending the Staple of Tobacco, for preventing frauds in his Majestys Customs and for the Limitation of Officers ffees: Also one Other Act, Ent.d an Additional Supplementary Act to the Act, Ent,d an Act for amending the Staple of Tobacco for preventing frauds in his Majestys Customs, and for the Limitation of Officers Fees: and also one other Act, Ent.d an Act for the Relief of Inspectors, and Owners of Tobacco, and Others, who have Suffered by means of extraordinary Rains, and high Tides, and other defects in the Inspection Law, passed in November 1758. p. 99

An Act for the keeping a Public Warehouse, for Inspecting Tobacco at the Land of Ease, on South River, passed Nov.r 1758

An Act continuing An Act, ent,d An Act to prevent Persons from Secreting Boats, Flats, and other Vessels, drove by Stress of Weather, or otherwise from Landings and moorings. passed March, 1760

L. H. J. Liber No. 52 Oct. 6 An Act continuing An Act, Ent,[d] an Act to prevent Masters of Ships and Vessels from Clandestinely carrying Servants and Slaves, or Persons indebted out of this Province. passed March 1760.

An Act continuing An Act, Ent,[d] a Supplementary Act to the Act, Ent,[d] an Act for the Relief of Creditors in England against Bankrupts, who have imported Goods into this Province not accounted for passed March 1760.

An Act continuing An Act, Ent,[d] An Act for the Advancement of Justice, passed March. 1760.

An Act continuing An Act, Ent,[d] An Act for preventing Indians, disaffected to the British Interest in America from coming into this Province as Spies, or on any other Evil Design passed March 1760.

An Act to augment the Salaries of Several Inspectors. passed September 1760.

An Act continuing An Act, Ent,[d] An Act to remedy some Evils relating to Servants passed Sept.[r] 1760

An Act to Increase the Salaries of the Inspectors of Snow Hill Warehouse, in Worcester County, and Plymouth Warehouse in Dorchester County. passed March 1760.

An Act continuing An Act, Ent,[d] An Act for the Speedy recovery of Small debts out of Court before one Justice of the Peace. passed Sept.[r] 1760.

An Act continuing An Act, Ent,[d] An Act for the Gauge of Barrels, for Pork, Beef, Pitch Tar, Turpentine, and tare of Barrels for ffour, or Bread. passed. Sep.[tr] 1760.

An Act continuing An Act, Ent,[d] An Act for relieving the Inhabitants of this Province from Some Aggrievances in the prosecution of Suits at Law and for continuing the Supplementary Act thereto, passed Sept,[r] 1760

An Act continuing An Act, Ent,[d] a Supplementary Act to the Act, Ent,[d] an Act Ascertaining the heighth of Fences, to prevent the Evil occasioned by the Multitude of Horses and restraining horse Rangers within this Province and to redress the great Evil accruing to this Province, by the Multiplicity of useless Horses, Mares, and Colts, that run in the Woods, passed September 1760 p. 100

An Act for Increasing the Allowance of Grand and Petit Jurors who Shall attend the Provincial Court, to limit Costs with respect to Witnesses, and granting them an Allowance for itinerant Charges, passed Sept.[r] 1760.

An Act for erecting a Public Warehouse at Vienna Town in Dorchester County, passed March. 1760

An Act to augment the Salaries of the Inspectors at Elk Ridge Landing Warehouse, in Ann Arundel County and the Inspectors of Emersons Warehouse in Talbot County and for other purposes therein mentioned, passed March 1762.

An Act for Easing the Inhabitants of this Province, from the great an Unequal Burthen of the Additional Land tax, passed Sept,r 1760. L. H. J. Liber No. 52 Oct. 6

All which is Submitted to the Consideration of your Hon.ble House.

Signed ꝑ Order. J. A. Thomas, Clerk.

Which being Read the first and Second time the house concurs therewith.

Ordered that Mr J. Hall Mr Johnson M.r Ringgold Mr Hammond Mr Loyd and Mr Key do prepare and bring in Bills to continue the Several Acts that are near expiring.

The house Adjourns till 2, of the Clock

Post Meridiem

The house met according to Adjournment &c.[a]

M.r J. Hall from the Committee appointed to bring in Bills to continue the Several Acts that are near expiring acquaints Mr Speaker that that Committee had chosen Mr Henry Wilkins Clerk and desires the Approbation of the house—the house Approves the Choice and Ordered that he be qualified in the usual manner.

Mr Loyd brings in and delivers to Mr Speaker a bill Ent.d An Act continuing an Act Ent.d an Act for the advancement of Justice, a bill Ent.d an Act continuing an Act Ent.d an Act for the Speedy recovery of small debts out of Court before one Justice of the Peace. And a Bill Ent.d an Act continuing an Act Ent.d An Act for preventing Indians disaffected to the British Interest in America from coming into this Province as Spies or on any other Evil design which were Severally Read the first time and Ordered to lye on the Table.

Mr Ringgold brings in and delivers to Mr Speaker a bill Ent.d an Act continuing an Act Ent.d An Act for amending the Staple of Tobacco for preventing frauds in his Majesty's, Customs and for the limitation of Officers fees and also of the Several Acts relative thereto.

A Bill Ent.d an Act continuing an Act Ent.d An Act to prevent persons from Secreting boats flats and other Vessels drove by Stress of Weather or otherwise from Landings and Moorings

A Bill Ent.d an Act continuing An Act Ent.d an Act to prevent Masters of Ships & Vessels from Clandestinely carrying Servants, Slaves or persons indebted out of this Province. And a Bill Ent.d an Act continuing an Act Ent.d a Supplementary Act to the Act Ent.d an Act for relief of Creditors in England against Bankrupts who have imported goods into this Province not accounted for which were Severally read the first time and Ordered to lye on the Table.

John Hall Esq.r brings in and delivers to Mr Speaker a bill Ent.d an Act continuing an Act Ent.d an Act for relieving the Inhabitants p. 101

L. H. J. Liber No. 52 Oct. 6

of this Province from some Aggrievances in the prosecution of Suits at Law and for continuing the Supplementary Act thereto.

A bill Ent,d an Act continuing an Act Ent,d an Act to remedy some Evils relating to Servants

A bill Ent.d an Act continuing An Act Ent.d an Act for increasing the Allowance of Grand and Petit Jurors who shall attend the Provincial Court to limit Costs with respect to Witnesses and granting them an Allowance for itinerant charges.

A Bill Ent.d an Act continuing An Act Entd Act for the gauge of Barrels for Pork Beef pitch Tar Turpentine and tare of Barrels for Flour or Bread.

And a Bill Ent.d an Act continuing an Act Ent.d a Supplementary Act to the Act Ent.d an Act. ascertaining the heighth of fences to prevent the Evil Occasioned by the multitude of horses and restraining horse Rangers within this Province and to redress the great Evil accruing to this Province by the multiplicity of Useless horses mares and Colts that run in the Woods, which were severally read the first time and ordered to lye on the Table.

The house Adjourns till the Morrow morning at nine of the Clock.

Oct. 7

Friday 7.th October 1763

The house met according to Adjournment &c.[a]

Mr Worthington appeared in the house.

On Motion the Question was put that the Bill Ent.d An Act continuing an Act Ent.d An Act for amending the Staple of Tobacco for preventing frauds in his Majestys Customs and for the limitation of Officers fees and also of the Several Acts relating thereto be now read the 2,d time, Resolved in the Affirmative

for the Affirmative

Key
J. Hall
Hynson
Ringgold
Wilmer
Johnson
J. Mackall
B. Mackall
Gantt

Dent
Stoddert
J. Adams
Hayward
W.m Adams
Edmonson
Thomas
Ward
N. Baker

Waring
Dulany
Steuart
Loyd
Harris
Allen
Chaillé
Magruder

[26]

for the Negative

Worthington
Hammond
H. Hall

Dorsey
Jacobs
Cresap

Beattys
Chapline

[8]

L. H. J.
Liber No. 52
Oct. 7

On reading the 2^d time the Bill Ent.^d an Act continuing An Act Ent^d an Act for amending the Staple of Tobacco for preventing frauds in his Majestys Customs &c.[a]

The question was put that the Said Bill do pass.

Resolved in the Affirmative

p. 102

for the Affirmative

Key	Stoddert	Dulany
J. Hall	J. Adams	Steuart
Hynson	Hayward	Loyd
Ringgold	W. Adams	Harris
Wilmer	Edmunson	Allen
Johnson	Thomas	Chaillé
J. Mackall	Ward	Magruder
B. Mackall	N. Baker	Chapline
Gantt	Waring	
Dent	Jacobs	[28]

for the Negative

Worthington.	H. Hall.	Cresap
Hammond.	Dorsey.	Beattys [6]

Which said Bill was accordingly Indorsed Read the Second time and will pass.

The Bill Ent.^d An Act continuing An Act Ent.^d An Act for the Advancement of Justice was Referred for the 2.^d Reading on the 2.^d day of January 1764.

On Motion leave given to bring in a Bill for the Advancement of Justice

Ordered that M^r J. Hall M^r Johnson M^r Ringgold and M^r Hammond do prepare and bring in the same.

Doctor Steuart acquaints M^r Speaker that M^r Wilkins had taken before him the several Oaths to the Government required by Law Subscribed the Oath of Abjuration repeated and Signed the Test and also took the following Oath (Viz^t)

You Henry Wilkins, do Swear, that you will true Entries make of all such matters and things, as shall be to you directed by any Committee of the Lower house of Assembly, for whom you shall act as Clerk, and that you will not divulge the Secrets of the Said House of Assembly, or of any Committee thereof, but will in all things, well and truly demean yourself according to the best of your knowledge, So help you God,

The house Adjourns till 2, of the Clock Afternoon

L. H. J.
Liber No. 52
Oct. 7

Post Meridiem

The house met according to Adjournment &c.^{a}

Col^{o} Edward Tilghman and M^{r} Murdock appeared in the house

On reading the 2.^{d} time the Bill Ent.^{d} an Act continuing An Act Ent.^{d} An Act for relieving the Inhabitants of this Province from some Aggrievances in the prosecution of Suits at Law & for continuing the Supplementary Act thereto.

The question was put that the duration thereof be made perpetual

Resolved in the Negative

for the Affirmative

Key
J. Hall
Hynson
Ringgold
Wilmer
B. Mackall
J. Adams
Hayward
W. Adams
Ward
N. Baker
Jacobs
Harris
Allen
Chapline [15]

for the Negative

Worthington
Hammond
H. Hall
Johnson
J. Mackall
Gantt
Dent
Stoddert
Edmunson
Thomas
Dorsey
Murdock
Dulany
Steuart
Loyd
E. Tilghman
Chaillé
Cresap
Magruder
Beattys
Waring. [21]

p. 103 On reading throughout the Bill Ent.^{d} an Act continuing an Act Ent.^{d} an Act for relieving the Inhabitants of this Province from some Aggrievances in the prosecution of Suits at Law &c^{a} the Question was put that the said Bill do pass.

Resolved in the Affirmative

The Bill Ent.^{d} an Act continuing an Act Ent.^{d} An Act for preventing Indians disaffected to the British Interest in America from coming into this Province as Spies or on any other evil design.

The Bill Ent.^{d} an Act continuing An Act Ent.^{d} an Act to remedy some evils relating to Servants.

The Bill Ent.^{d} An Act continuing an Act Ent.^{d} an Act for encreasing the Allowance of Grand and petit Jurors who shall attend the provincial Court to limit Costs with respect to witnesses and granting them an allowance for itinerant charges.

The bill Ent.^{d} an Act continuing an Act Ent.^{d} an Act for the gauge of barrels for pork Beef pitch tar turpentine and tare of barrels for flour or bread.

And the bill Ent.d an Act continuing an Act Ent.d a Supplementary Act to the Act Entd an Act ascertaining the heighth of fences to prevent the evil occasioned by the multitude of horses and Restraining horse rangers within this province and to redress the great Evil accruing to this Province by the multiplicity of useless horses Mares and Colts that run in the Woods were severally read the Second time and will pass. L. H. J. Liber No. 52 Oct. 7

The Bill Ent.d an Act continuing An Act Ent.d an Act for the Speedy recovery of small debts out of Court before one Justice of the peace was Referred for a Second Reading on the second day of January 1764.

The house Adjourns till the Morrow Morning at 9. a Clock.

Saturday 8.th October 1763. Oct. 8

The house met according to adjournment &c.[a]

Mr Henry Baker Mr Waters and M.r Smallwood appeared in the house.

Mr John Hammond hath leave of Absence Untill next Tuesday.

M.r John Hammond Dorsey hath leave of Absence for a few days.

Mr Gantt Mr Key and Mr Henry Hall have leave of Absence untill next Monday.

On Motion leave given to bring in a bill for the preservation of the Breed of fish in the rivers Susquehannah and Potomack.

Ordered that M.r H. Baker Mr Edmunson Mr J. Hall Mr Key and Mr Johnson do prepare and bring in a Bill accordingly

On Motion leave given to bring in a Bill for recovery of small debts out of Court before one Justice of the peace. p. 104

Ordered that Mr Johnson Col° Tilghman Mr J Hall and Mr Ringgold do prepare and bring in the same.

The Bill Ent.d an Act continuing an Act Ent.d an Act for amending the Staple of Tobacco for preventing frauds in his Majestys Customs and for the limitation of Officers fees and also of the Several Acts relative thereto was sent to the Upper house by Mr Loyd and Eleven more.

The Several bills that were read the 2.d time and passed yesterday were sent this day to the Upper house by Mr Jacobs and Mr J. Adams.

Mr Johnson brings in and delivers to Mr Speaker a bill Ent.d an Act continuing an Act Ent.d an Act to prevent persons from Secreting boats flats and Other Vessels drove by Stress of Weather from Landings and Moorings,

A Bill Ent.d an act continuing An Act Ent.d an Act to prevent Masters of Ships and Vessels from clandestinely carrying Servants

L. H. J. Liber No. 52 Oct. 8 and Slaves or persons indebted out of this Province and the bill Ent.[d] an Act continuing an Act Ent.[d] a Supplementary Act to the Act Ent.[d] an Act for the relief of Creditors in England against Bankrupts who have imported goods into this Province not accounted for,

Which were severally read the first time and ordered to lye on the Table.

The house adjourns till 2. of the Clock Afternoon

Post Meridiem

The house met according to Adjournment &c.[a]

On Motion leave given to bring in a Bill for the Security of purchasers and others being protestants claiming by or from Aliens,

Ordered that Mr Johnson Mr J. Hall Mr Dulany and Col.o Cresap do prepare and bring in the same.

On motion leave given to bring in a bill to Oblige Garnishers to give Bail and to discover goods and Effects attached in their hands.

Ordered that M.r Johnson Mr Hayward Mr Allen and Mr Loyd do prepare and bring in the same

The house adjourns till Monday Morning at 9. of the Clock.

Oct. 10 Monday 10.th Oct.r 1763.

The house met according to Adjournment the Members were called and all appeared as on Saturday Except Mr J. Hammond M.r Key Mr J. Hammond Dorsey and Mr Gantt.

The proceedings were read.

On Motion leave given to bring in a Bill for the better regulating of proceedings upon Attachments

p. 105 Ordered that Colo Tilghman Mr Johnson Mr J. Hall M.r Ringgold Mr Allen and Mr Hayward do prepare and bring in the same.

Mr Ringgold brings in and delivers to Mr Speaker a bill Ent.[d] an Act for the advancement of Justice which was Read the first time & Ordered to lye on the Table.

The house adjourns till 2. of the Clock afternoon

Post Meridiem.

The house met according to Adjournment &c.[a]

Mr Hanson Mr Paca Mr Earle & Mr J. Tilghman appeared in the house.

Mr Ringgold brings in and delivers to Mr Speaker a bill Ent.[d] an Act for the Speedy recovery of small debts out of Court before One Justice of the Peace which was read the first time and Ordered to lye on the Table.

Mr Johnson brings in and delivers to Mr Speaker a Bill Ent.d an Act for the Security of purchasers and others being protestants claiming by or from Aliens, which was read the first time and ordered to lye on the Table. L. H. J. Liber No. 52 Oct. 10

On Motion leave given to bring in an Additional Supplementary bill to the Act for quieting possessions Enrolling Conveyances and Securing the Estates of purchasers.

Ordered that Mr Ringgold Mr Johnson Mr James Tilghman Mr J Hall & Mr Hayward do prepare and bring in the same.

On Motion leave given to bring in a Supplementary bill to the Act Ent.d An Act for the relief of Creditors & to prevent frauds and deceipts occasioned by Secret Sales & Mortgages and gifts of goods and Chattles.

Ordered that Mr Ringgold M.r Johnson Mr James Tilghman Mr J. Hall and M.r Hayward do prepare & bring in the same.

Philip Key Esqr from the Upper house delivers to Mr Speaker the bill Ent.d An Act continuing an Act Entd an Act for encreasing the Allowance of Grand petit jurors who shall attend the Provincial Court &c.a

The Bill Entd an Act continuing an Act Entd an Act to remedy some evils relating to Servants,

The Bill Entd an Act continuing An Act Ent.d An Act for the gauge of Barrels for Pork Beef pitch tar turpentine and tare of barrels for flour or Bread

The Bill Entd An Act continuing An Act Entd an Act for preventing Indians disaffected to the British Interest in America from coming into this Province as Spies or on any other Evil design

And the Bill Entd An Act continuing An Act Ent.d a Supplementary Act to the Act Ent.d an Act ascertaining the heighth of fences &c.a Severally Indorsed by the Upper House of Assembly. 8th Octr 1763. Read the first time & ordered to lye on the table (and thus) by the Upper house of assembly 10.th Octo.r 1763 Read the 2d time & Will pass,

Signed ꝑ Order. J Ross. Cl. Up. ho.

Which Bills were Severally read here and passed for Ingrossing, p. 106

On Motion leave given to bring in a Bill for the tryal of all matters of fact in the Several Countys where they have arisen or shall arise.

Ordered that Colo Tilghman Mr J. Tilghman Mr J. Hall & Mr Johnson do prepare and bring in the same,

On Motion leave given to bring in a Bill for issuing Writs of Replevin out of the County Courts,

Ordered that Col.o Tilghman Mr J. Tilghman Mr J Hall & Mr Johnson do prepare and bring in the same

L. H. J. Liber No. 52 Oct. 10 On Motion leave given to bring in a Supplementary bill to the Act Ent,[d] an Act for erecting a County School and appointing Visitors for the same in Worcester County,

Ordered that M^r^ Allen M^r^ J. Hall M^r^ Tilghman M^r^ Harris M^r^ Dulany & M^r^ Key do prepare and bring in the same

M^r^ Bealle appeared in the house

The house Adjourns till the Morrow Morning at 9, of the Clock

Oct. 11 Tuesday 11,^th^ Oct.^r^ 1763

The house met according to Adjournment &c,[a]

M^r^ Key appeared in the house

The Bill Ent.[d] An Act continuing an Act Ent[d] a Supplementary Act to the Act Ent[d] an Act for the relief of Creditors in England against Bankrupts who have imported goods into this Province not accounted for,

The Bill Ent.[d] Act continuing an Act Ent.[d] An Act to prevent masters of Ships & Vessels from clandestinely carrying Servants or Slaves or persons indebted out of this Province and the Bill Ent,[d] An Act to prevent persons from Secreting boats flats and other Vessels drove by Stress of Weather from Landings & Moorings. were Severally read the Second time and will pass and were sent to the upper house by M^r^ Dulany and M.^r^ Hanson

On Motion leave given to bring in a Bill for the Support of an Agent in London for the Service of this Province

Ordered that Col^o^ Tilghman M^r^ James Tilghman M^r^ Ringgold M^r^ Hayward M^r^ Murdock and M^r^ Johnson do prepare & bring in the same.

John Ridout Esq.^r^ from the Upper house delivers to M^r^ Speaker the following Message (Viz^t^)

By the Upper house of Assembly 11.^th^ Oct^r^ 1763

Gentlemen

This house hath appointed Ben.^t^ Calvert Esq.^r^ to join the Members named by your house in a Committee to inspect the Accounts & proceedings of the Commissioners of the paper Currency Office

Signed ꝑ Order J. Ross Cl. Up. Ho

p. 107 Ordered that M^r^ Earle M^r^ Hanson & M^r^ Bealle be added to the Committee appointed to inspect the Acco.^ts^ and proceedings of the Commissioners or Trustees for emitting Bills of Credit &c.[a]

The house Adjourns till 2. of the Clock

Post Meridiem

L. H. J. Liber No. 52 Oct. 11

The house met according to Adjournment &c.ª

Mʳ J. Hammond appeared in the house

On Motion leave given to bring in a Bill to erect a Seminary for Learning in this Province.

Ordered that M.ʳ J. Tilghman M.ʳ J. Hall Col.° Tilghman M.ʳ Murdock Mʳ Ringgold Mʳ Johnson Mʳ Bealle M.ʳ Hayward Mʳ Hammond Mʳ Key Mʳ Hanson Mʳ Dulany and Mʳ Allen be a Committee to enquire into ways & means to raise a Sum Sufficient for the purpose aforesaid and to make Report thereof to the house,

The petition of the Subscribers Inhabitants of Ann,ˡᵉ County for themselves and others praying leave to bring in a Bill for erecting a Town at Elk Ridge landing in said County Referred from the last Session to the Consideration of this Assembly being now read It is thereupon Ordered that an hearing be had thereon on Wednesday the 19.ᵗʰ Instant at the Bar of this house and that two days Notice of this Order be given by some Person on behalf of the petition to Mʳ Charles Hammond junʳ heir at Law of the deceased Philip Hammond Esq.ʳ

Mʳ J. Mackall hath leave of Absence for a few days.

The house adjourns till the Morrow Morning at 9, of the Clock

Wednesday 12.ᵗʰ Oct.ʳ 1763.

Oct. 12

The house met according to Adjournment, the Members were called & all appeared as Yesterday Except Mʳ James John. Mackall,

The proceedings were read

The house Adjourns till 2, of the Clock

Post Meridiem.

The house met according to Adjournment &c,ª

Mʳ Joseph Cox Gray appeared in the house

Benedict Calvert Esq.ʳ from the Upper house delivers to Mʳ Speaker the Bill Entᵈ an Act continuing an Act Ent.ᵈ An Act for amending the Staple of Tobacco for preventing frauds in his Majestys Customs &c.ª Indorsed by the Upper house of Assembly 8.ᵗʰ Oct.ʳ 1763

Read the first time & Ordered to lye on the table (and thus) By the Upper house of Assembly 12.ᵗʰ Oct.ʳ 1763. Read the Second time and will not pass.

Signed ꝑ Order J. Ross Cl. Up. Ho

and the following Message (Vizᵗ)

By the Upper House of Assembly. 12.ᵗʰ October 1763.

p. 108

Gentlemen

As we are of Opinion that several amendments are necessary to be made to the Act, Entᵈ An Act for amending the Staple of Tobacco

L. H. J. Liber No. 52 Oct. 12 for preventing frauds in his Majestys Customs, and for the limitation of Officers fees: We cannot agree to continue that Act as it now Stands and have therefore returned the Bill sent us for a Continuance thereof with a Negative, but if it be agreeable to you, we are willing to nominate some members of this house, to Confer with such as you may appoint to consider what alterations or amendments it may be expedient to make in that Law now in force so that a new Bill may be thereupon framed,

Signed ꝑ Order, J. Ross, Cl: Up. Ho.

The house Adjourns till the Morrow Morning at 9, of the Clock

Oct. 13 Thursday 13.th Oct.r 1763,

The house met according to Adjournment &c.[a]

Upon consideration of the Message of yesterday from the Upper house by Benedict Calvert Esq.r It is unanimously Resolved that a Message be prepared and Sent to the Upper house in answer thereto,

Ordered that Col.o Tilghman Mr James Tilghman M.r J. Hall Mr Hammond Mr Johnson & Mr Murdock do prepare and bring in the same.

The following Message (Vizt)

By the Lower house of Assembly 13,th Oct.r 1763

May it please your Honours,

In Answer to your Message of yesterday, attending your Negative to our Bill for continuing the Act, Ent.d An Act for amending the Staple of Tobacco, for preventing frauds in his Majestys Customs, and for the limitation of Officers ffees, we beg leave to inform you that we do not chuse to enter into a Conference upon the General Subject of a new Inspection Law, as you seem to desire, some of your Amendments & Alterations, when proposed, we may possibly incline to come into otherwise may resolve totally to reject, and others to debate upon, so that it appears to us a more eligible method of proceeding, for your honours to point out by way of Message, the Alterations & amendments you think expedient, which may probably either make a Conference unnecessary, or reduce the Subject of it to a few explicit Points, and of Course render the Debates upon the point of Difference more short and easy, We would therefore request your Honours to make us acquainted with the Alterations and Amendments you incline to have made, that we may Consider of the Expediency of Entering into a debate thereupon.

Signed ꝑ Order M. Macnemara Cl. Lo. Ho.

p. 109 Was Sent to the Upper house by M.r Tilghman and Mr Johnson.

Mr Henry Baker brings in and delivers to Mr Speaker a Bill Ent.d an Act for the preservation of the Breed of fish in the rivers Susquehannah & Potomack.

L. H. J.
Liber No. 52
Oct. 13

Which was read the first time & ordered to lye on the Table.

Upon Motion that the Treasurers of this Province have Omitted for some time to render acc.^{ts} of the mony by them received for the Use of the Publick.

Ordered that the Committee of Acc.^{ts} do make enquiry when the last Acct.^{s} were returned by the Treasurers and Report the same to the house.

The house Adjourns till 2. of the Clock

Post Meridiem

The house met according to Adjournment &c,^{a}

M^{r} Charles Graham appeared in the house

On Motion Ordered that M^{r} Graham be added to the Committee appointed for inspecting the Acc.^{ts} and proceedings of the Commissioners of the paper Currency office &c,^{a}

Ordered that M^{r} Smallwood be added to the Committee for inspecting into the State and Condition of the Arms & Ammunition and Acc.^{ts} relating thereto,

The Bill Ent.^{d} An Act for the Advancement of Justice was read the 2.^{d} time and Indorsed will pass.

M^{r} Murdock brings in and delivers to M^{r} Speaker the following Report (Viz)

By the Committee appointed to Consider of and report to the house, what funds may be necessary to be raised for erecting & establishing a College within this Province, Oct,^{r} 13, 1763

Your Committee are of Opinion that the house in the City of Annapolis which was intended for a dwelling house for the Governor of this Province for the time being, be Compleatly finished, and made use of as the College proposed to be established within this Province, the Expences of which, together with the Charges that will attend building the Out houses, Gardens & yards, and purchasing necessary ffurniture, your Committee conceive will amount, as ꝑ the following Estimate to £3000

For finishing & compleating the house	£2500
for furniture building out houses, &c.^{a} Seven Beds & furniture for the masters	100
furniture for Seven Rooms for D.^{o}	50
Dining Room furniture for D.^{o}	50
Servants beds	20
Kitchen ffurniture	80
A Brick Stable 24 by 24	100
A Garden Yard &c.^{a}	100
	£3000

L. H. J. Liber No. 52 Oct. 13 For defraying the expenses whereof, your Committee give it as their Opinion, that the above Sum of £3000 be taken out of the mony now belonging to the province in the hands of the Comm.^{rs} of the Loan Office.

And your Committee are of Opinion, that the annual Expence of Supporting the said College, So as to give the Masters proper Encouragement will amount as appears by the following Estimate to £1360

p. 110

a President or first Masters Salary a Year	£300
Second third & fourth Masters each £200. ꝑ annum	600
one Mathematical Master	200
two English & Writing Masters at £100. each ꝑ annum	200
five Servants & a Boy	60
	£1360

For defraying of which annual Expence, Your Committee take leave to Recommend to the Honourable house the following Funds.

a Tax on Ordinary Licenses in Annapolis £6, elsewhere 3..10..0	600..0..0
a Tax on Batchelors 5^{s} to 20^{s}	420..0..0
The hon.^{ble} Benedict Calvert Esq.^{r} his Donation to King William school at least	40..0..0
Profits arising on 80 Boys at £4. ꝑ Annum	320..0..0

Your Committee also propose that over and above the said Funds, two Persons at least in each County be impowered to take in Subscriptions to be applied in any manner that shall be thought most expedient by the Bill for the Use and further Improvement of the Said College

All which is Submitted to the Consideration of the hon.^{ble} house.

Signed ꝑ Order. J. A. Thomas, Clerk

Which was read and Ordered to lye on the Table,

On Motion Ordered that the Committee of Accounts do Report to the house on the Morrow Morning the Amount of the Publick claims now before them.

And that the Committee for inspecting the Acct.^{s} and proceedings of the Comm^{rs} of the paper Currency Office &c^{a} do Report to the house on the Morrow Morning the State of the publick ffunds.

The house Adjourns till the Morrow Morning at 9. of the Clock

Oct. 14 Friday 14,th Oct,^{r} 1763

The house met according to Adjournment. the Members were called and all appeared as Yesterday Except M^{r} Robert Lloyd. the proceedings were read,

L. H. J. Liber No. 52 Oct. 14

M^{r} Hayward from the Committee of Accounts Acquaints M.^{r} Speaker, that that Committee wanted another Clerk to expedite the Business and has made choice of M^{r} Turbutt Wright as such and desires the Approbation of the house,

The house approved the Choice and Ordered that he be qualified in the Usual manner,

p. 111

Doctor Steuart acquaints M^{r} Speaker that M^{r} Turbutt Wright had taken before him the several Oaths to the Government required by Law Subscribed the Oath of Abjuration repeated and Signed the Test and also took the following Oath. (Viz^{t})

You Turbutt Wright, do swear, that you will true Entries make of all such matters and things, as shall be to you directed by any Committee of the Lower house of Assembly for whom you shall Act as Clerk: and that you will not divulge the Secrets of the said house of Assembly, or of any Committee thereof; but will, in all things, well and truly demean yourself according to the best of your knowledge: So help you God,

Major Hynson from the Committee of Acc.^{ts} brings in and Delivers to M^{r} Speaker the following Report (Viz^{t})

By the Committee of Accounts 14.th Oct.^{r} 1763.

In Obedience to the Order of the hon.^{ble} the Lower house of Assembly to report to the house the Amount of the Public Claims now before them, do find as follows (Viz^{t})

	Money	Tobacco
On the last Journal of Acc.^{s} laid before the house the following sums of Money & Tobacco..............	8,672..12..7¼	4,009,951¾
The Acc.^{ts} now before your Committee not Entered on the Journals.......	4,277.. 4..8¾	23,622
Your Committee find by the Inspectors Tobacco Book, for Tobacco burnt in Llewellin's Warehouse in S.^{t} Marys County in the year 1758. that Crop notes amounting to 6263 lb., at 25^{s} ꝑ 100 have not yet been laid before the Committee............	78.. 5..9	
As Also Transfer Notes not yet brought before your Committee amounting to 1656 lb., at 22/6 ꝑer 100......	18..13..4	
	13,046..16..5	4,033,573¾

Your Committee also Observe, that 18 Days Attendance of the Members of Both houses and their Several Officers on the last, and

L. H. J. Liber No. 52 Oct. 14 their Attendance on this Session, are not yet added to the Journal of Accounts; and that more of the Acc.^{ts} of a Company of Militia, which were ordered by his Excellency the Governor to March from Kent County in the year 1758 to the ffrontiers, are yet brought into your Committee.

All which is humbly Submitted to the Consideration of the Hon.^{ble} House

Signed ꝑ Order Turbutt Wright Clerk

Which was read and Ordered to lye on the Table

p. 112 M.^{r} Dulany from the Committee of the paper Currency office &c.[a] brings in and delivers to M^{r} Speaker the following Report (Viz^{t})

By the Committee appointed to return to the house a State of the Public ffunds.

Your Committee having Enquired into the State of the funds for Sinking the Ninety Thousand Pounds made Current by Act of Assembly find that by an Account Sent by the Trustees in London, dated the 29.th of April 1762. the State then was as follows

Capital Bank Stock, 35,500..0..0 which Cost.......	44,495..12..6
besides a Ballance of Cash unconverted............	230.. 7..2
the Duty of ⅓ ꝑ Hogshead on the Tobacco exported in 1762 1763 and 1764 which we suppose will be about 30,000 ꝑ Annum will be............	5,610.. 0..0
the Annual dividend of the Capital Stock for 2½ years of 1600 ꝑ Annum....................	4,000.. 0..0
	54,335..19..8
Out in Circulation £6,038 Old Currency not brought in & of new Currency issued 55,984—£62,022 reduced to Sterling at 33⅓ Exchange.........	49,016.. 0..0
Supposing the Stock Sells for as much as it Cost and allowing nothing for money lost and destroyed there will be a Surplusage to the Country of....	5,319..19..8
We find also by the Trustees Accounts that of the above Sum of £62,022 there is Cash in Iron Chest No. 1 of the Country's Money..............	Currency. 20,296.. 3..7
And there is due to the Office on Bond............	6,650..16..8
	26,947.. 0..3

That of the Sum in the Iron Chest aforesaid, there is about £6,000 in Gold & Silver.

Upon enquiry into the funds for Sinking the 40,000, we find the State of them as nearly as we can estimate, to be as follows. L. H. J. Liber No. 52 Oct. 14

Issued out to the Agents &c.^{a}	£37,880
Scalping money not expended	2,120
	£40,000

Received in by the funds to this time	36,563.. 3..6
due from the Several late Sheriffs & Collectors about	1,283..13..0
And from those now in Office Supposing the funds to yield as much the present year as they did preceding to the beginning of this Session	5,343.. 0..0
from the Several Clerks for duty on Stamps Ac.^{a}	200.. 0..0
from the Several Naval Officers about	1,000.. 0..0
Left in the Agents hands tis said unexpended £142. Sterling & £100. Currency	289.. 6..8
	44,679.. 3..2

Your Committee, for want of the Treasurers Accounts being laid before the Assembly for several years past, can give no information, as to what may be in their hands from the several funds directed by Law to be paid into them for the Publick use, but as there has been for four years last past large importation of negroes into this Province, it seems probable that there shou'd be a considerable Sum of the Countrys money in their hands. p. 113

Signed ꝑ Order. of the Committee

Robert Cowden. Clerk

Which was read and Ordered to lye on the Table.

M^{r} James Tilghman brings in and delivers to M^{r} Speaker the Bill Ent.^{d} a Supplementary act to the Act for the relief of Creditors and to prevent frauds and deceipts occasioned by secret Sales and Mortgages and Gifts of goods and Chattels

The Bill Ent.^{d} An Act for the advancement of Justice was sent to the Upper house by M^{r} Ringgold and M.^{r} Allen.

The Bill Ent^{d} an Act for the preservation of the breed of fish in the rivers Susquehannah and Patomack was read the 2.^{d} time & will pass and was Sent to the upper house by M^{r} Baker and Major Waring

M^{r} Hammond Major Hynson M^{r} Ringgold and M^{r} Dent have leave of Absence

The house Adjourns till 2, of the Clock

L. H. J.
Liber No. 52
Oct. 14

Post Meridiem

The house met according to Adjournment &c.[a]

On reading the 2.^{d} time the Report brought in by M^{r} Murdock from the Committee appointed to enquire into ways and means for erecting a Colledge in this Province

Resolved that the house in the City of Annapolis which was intended for a dwelling house for the Governor of this Province for the time being be compleatly finished and made use of as the Colledge proposed to be established within this Province and that the Sum of £3000. Current money be allowed for the expences and charges mentioned in the Estimate contained in the said Report,

On progression in the 2d Reading of the Said Report the Question was put that the sum of £3000 therein mentioned be taken out of the Mony now belonging to the Province in the hands of the Commissioners of the Loan Office for the Uses in the same Report mentioned.

Resolved in the Affirmative

p. 114

for the Affirmative

Key
J. Hall
Ringgold
H. Hall
Johnson
B. Mackall
Graham
Hanson
Dent
Stoddert
Smallwood
Hayward
J. Tilghman
Earle
H Baker
N. Baker
Murdock
Bealle
Waring
Dulany
Steuart
Cresap
Magruder
Chapline [24]

for the Negative

Hynson
J. Adams
W. Adams
Waters.
Edmunson
Thomas
Gray
Paca
Ward
Jacobs
E Tilghman
Harris
Allen
Chaillé
Beattys [15]

The house adjourns till the Morrow Morning at nine of the Clock

Oct. 15

Saturday 15.th Oct.^{r} 1763.

The house met according to Adjournment. the Members were called and all appeared as Yesterday. Except M^{r} Hammond Major Hynson & M^{r}Ringgold

The proceedings were read

M^{r} Thomas M.^{r} Bealle Major Waring and M^{r} Hall have leave of Absence

L. H. J.
Liber No. 52
Oct. 15

On reading throughout the 2.^{d} time the Report from the Committee for enquiring into ways and means for erecting a Colledge Ac.^{a}

The question was put that the house concur therewith

Resolved in the Affirmative

for the Affirmative

Key
J. Hall
Wilmer
Worthington
H. Hall
Johnson
B. Mackall
Graham
Hanson
Dent
Stoddert
Smallwood
Hayward
J. Tilghman
Murdock
Bealle
Waring
Dulany
Steuart
Cresap
Magruder
Chapline
[22]

for the Negative

J. Adams
W. Adams
Waters
Edmunson
Gray
Paca
Earle
H. Baker
Ward
N. Baker
Jacobs
E. Tilghman
Harris
Allen
Chaillé
Beatty's.
[16]

On Motion of Col.^{o} Edward Tilghman that previous to the Note for concurrence with the foregoing Report, the following proposal for establishing & Supporting a Colledge concurred with by the house in April Session 1761. might be read, the same was read accordingly in the following Words (Viz^{t})

That the Lord Proprietary make a grant of the four Acres of Land whereon the Governors House Stands. p. 115

That as soon as the above Grant be made, the Visitors, or Persons nominated for the purpose, may agree for necessary Repairs Outhouses Gardens, &c.^{a} to be described at length in the Bill and all furniture to a Certain amount.

That all the Above be paid for by way of Subscription and Lottery the Subscription to be paid into a certain Number of Visitors near at hand, at certain times to be appointed in the Bill.

Those Visitors to be nominated as managers of the Lottery One Representative of each County to be named a Visitor, with those at present of King William's School, and for Succession, a Resident by Law in each County to be chosen.

The Money arising upon the Scholars to be Applied to twenty eight Charity Boys, to be recommended by the County Courts, two from each County.

L. H. J. Liber No. 52 Oct. 15 That there be a Clause to make good title to the Ground against all Claims whatsoever.

That King William's School, as soon as the College is erected, be made fit for the Assembly, by Direction of Commissioners to be named in the Bill.

That the Visitor in each County, and such other Persons as the Visitors or managers aforesaid may appoint, shall take Subscriptions, and Sell Ticketts & Account with the above Visitors

Taxes proposed Ordinary Licences		£600
Wheel Carriages		250
Wine not from Great Britain		
Card tables 10s		50
Billiard tables		40
Calverts Donation		40
Batchelors tax, Value £300, to 500	15s/	
500 and upwards	25s/	

On Motion leave given to bring in a Bill for erecting a Colledge in the City of Annapolis

Ordered that Mr J. Tilghman Mr Johnson M.r J. Hall Mr Dulany Mr Hanson Mr Murdock Mr Ringgold Mr Key Mr Hammond & Mr Hayward do prepare and bring in a bill accordingly.

John Ridout Esq.r from the Upper house delivers to Mr Speaker the Bill Entd an Act continuing An Act Entd an Act to prevent persons from Secreting boats flats & other Vessels drove by Stress of Weather from Landings & Moorings.

p. 116 The Bill Ent.d an Act continuing an Act Entd an Act to prevent Masters of Ships & Vessels from clandestinely carrying Servants & Slaves or persons indebted out of this Province

The Bill Ent.d An Act continuing an Ast Entd a Supplementary Act to the Act Entd an Act for the relief of Creditors in England against Bankrupts who have imported Goods into this Province not accounted for.

And the Bill Entd an Act continuing an Act Entd an Act for relieving the Inhabitants of this Province from some aggrievances in the prosecution of Suits at Law and for continuing the Supplementary Act thereto. Severally Indorsed by the Upper house of Assembly 8.th Oct.r 1763. Read the first time and Ordered to lye on the Table and thus By the Upper house of Assembly 15.th Octr 1763. Read the Second time & will pass

Signed ℘ Order J. Ross. Cl. Up. ho.

Which bills were severally Read here & passed for Ingrossing.

His Excellency the Governor Communicated to Mr Speaker the following Message (Vizt)

Gentlemen of the Lower house Of Assembly

L. H. J. Liber No. 52 Oct. 15

I herewith send you a Letter that I lately received from S.r Jeffery Amherst Commander in Chief of all his Majestys Forces on this Continent, the Contents of which I recommend to your Consideration, and hope you will prepare an Act for prohibiting for a time the trade he is anxious to put a Stop to.

Hor.o Sharpe. the 15.th of Oct.r 1763

and the following letter from S.r Jeffry Amherst (Viz^t^)

New York 7.th Sept^r^ 1763

S.r

I have Already Sent Orders to the Commanding Officers at the Several Posts to Stop all Traders from carrying any Supplys to the Indians; But as I think this of the utmost Consequence, I mus Request you will be pleased to give the Necessary Directions for Stopping all kind of Commerce with any of the Tribes of Savages from your Province; for I suspect there are people mad Enough, for the sake of gain, that would Venture, notwithstanding the present disturbances, to Carry Supplys to the Indians; and I know of nothing that can tend more Effectually to Crush the Barbarians, than the prohibition of Trade, as they certainly cannot carry on their Hostilities much longer, unless they do receive fresh Supplys, and they have no way of getting these Supplys but from us.

I am with great Regard

S^r^ your most Obedient h.^ble^ Serv.^t^

Jeff. Amherst.

Which Message and Letter were read.

On reading his Excellency the Governors Message and Sir Jeffery Amhersts letter the 2.d time. p. 117

Resolved that this house will take the same into consideration this Afternoon.

On Motion of Col.o Tilghman Resolved that for the future the name of every Gentleman who may make a Motion in the house be incerted in the Entry that may be made in consequence thereof

On Motion of M^r^ James Tilghman Resolved that this house will on Tuesday next take into consideration that part of his Excellencys Speech relative to the trade and Commerce of this Province.

The house Adjourns untill 2. of the Clock

Post Meridiem

The house met according to Adjournment &c.[a]

The Order of the day being read the house took into consideration his Excellency the Governors Message of this day with Sir Jeffery Amhersts Letter.

L. H. J. Liber No. 52 Oct. 15 Ordered that M^r^ James Tilghman M^r^ Hayward Col.^o^ Tilghman M^r^ Hall M^r^ Johnson and M^r^ Key do prepare and bring in a bill for the purposes therein mentioned.

The house adjourns till Monday Morning at 9. of the Clock

Oct. 17 Monday 17.^th^ Octo.^r^ 1763.

The house met according to Adjournment, the Members were called and all appeared as on Saturday Except Major Waring M^r^ Dent and M^r^ Henry Hall.

The proceedings were read

M.^r^ J. Hammond Dorsey appeared in the house

M^r^ Key from the Committee of Accounts acquaints M^r^ Speaker that that Committee for expediting business had chosen M^r^ Isme Baly as a Clerk in the room of M^r^ John Allein Thomas who declined acting on Saturday last and desires the Approbation of the house. the house approves the Choice and Ordered that he be qualified in the Usual manner.

Doctor Steuart acquaints M^r^ Speaker that M^r^ Isme Baly had taken before him the several Oaths to the Government required by Law Subscribed the Oath of Abjuration repeated and Signed the Test and also the following Oath (Viz)

You Isme Baly, do swear, that you will true Entries make of all such matters and thing as shall be to you directed by any Committee of the Lower house of Assembly for whom you shall Act as Clerk; and that you will not divulge the Secrets of the said house of Assembly or of any Committee thereof, but will in all things well in and truly demean your Self according to the Best of your knowledge.

p. 118 So help you God.

M^r^ James Tilghman brings in and delivers to M^r^ Speaker a bill ent.^d^ an Act for prohibiting all trade with the Indians for the time therein mentioned which was read the first and Second time by an especial Order & passed unanimously.

John Ridout Esq.^r^ from the Upper house delivers to M^r^ Speaker a ptition of the Vestry and Church Wardens of Saint Anns parish in Ann.^le^ County. Ind.^d^ by the Upper house of Assembly 14.^th^ Oct.^r^ 1763. Read and referred to the Consideration of the Lower house of Assembly which was here read and Ordered to lye on the Table.

Col.^o^ Tilghman brings in and delivers to M^r^ Speaker an Address to his Excellency which read approved and ordered to be Ingrossed.

Col.^o^ Tilghman brings in and delivers to M^r^ Speaker the following Ingrossed Address (Viz^t^)

To his Excellency Horatio Sharpe Esq:r Governor & Commander in Chief in & over the Province of Maryland. L. H. J. Liber No. 52 Oct. 17

The humble Address of the House of Delegates.

May it please your Excellency.

This house have Sent to the Upper house a Bill which we hope will fully Answer the Intentions of Sir Jeffrey Amherst expressed in his Letter, which your Excellency was pleased to lay before this house on Saturday Last.

Which was read and assented to and Signed by Order of the house by the hon^ble^ Speaker

The house adjourns till 2. of the Clock

Post Meridiem

The house met according to Adjournment &c.[a]

The bill Ent.^d^ an Act for prohibiting all trade with the Indians for the time therein mentioned was sent to the upper house by M.^r^ J. Tilghman and M^r^ Graham.

Ordered that M^r^ Edmunson and M^r^ Gray do acquaint his Excellency the Governor that this house hath prepared an Address to be presented to him and desires to know when and where he will receive it. they return & acquaint M^r^ Speaker that the Governor signified he wou'd be ready to receive the Address in three quarters of an hour in the Conference Chamber.

Ordered that Col^o^ Tilghman & five more do present the Address.

The bill Ent.^d^ a Supplementary Act to the Act Ent^d^ an Act for the relief of Creditors and to prevent frauds and deceipts occasioned by Secret Sales & Mortgages and gifts of goods and Chattels was read the 2^d^ time & will pass and was Sent to the Upper house by M^r^ Hanson & M^r^ Allen.

The Bill Ent^d^ an Act for the Speedy recovery of small debts out of Court before one Justice of the peace was read the second time & will pass and was Sent to the Upper house by M^r^ Johnson & M^r^ Waters.

M^r^ Bealle appeared in the house

M^r^ Murdock brings in and delivers to M^r^ Speaker a Bill Ent.^d^ an Act for raising [4 d.] Sterling for every hogshead of Tobacco exported out of this Province for the Support of an Agent at London for the Service of this Province. p. 119

The house adjourns till the Morrow Morning at 9. of the Clock

Tuesday 18.th Oct.r 1763.

L. H. J. Liber No. 52 Oct. 18

The house met according to Adjournment &c.a

Mr Ringgold appeared in the house

On Reading the petition of John Paca Robert Adair and Margaret Paca Ex.rs of the of the last will & testament of John Paca Jun.r late of Baltimore County deceased.

Ordered that Mr Ringgold Mr Bealle Mr Earle & Mr Graham be a Committee to enquire into the allegations and facts contained therein & Report the same to the house.

The petition of S.t Anns Parish in Ann.le County was read and Ordered to lye on the Table.

The bill Ent.d an Act for raising [*four pence—see page 322*] Sterling for very hogshead of Tobacco exported out of this Province for the Support of An Agent in London for the Service of this Province was read the first time & ordered to lye on the table

On Motion of Col.o Tilghman Ordered that the Bill for Support of An Agent &c.a be read the 2.d time by an especial Order in the Afternoon after call of the house.

On Motion of Mr Hayward Ordered that M.r Harris be added to the Committee of Acc.ts

The Order of the day being read this house referred the Consideration of that part of his Excellencys Speech relative to the trade & Commerce of this Province and Resolved that the same be taken into Consideration on Thursday Morning next immediately after the call of the house

The Bill Ent.d an Act for the Security of purchasers and Others being protestants claiming by or from Aliens was Read and committed for Amendments.

On Motion of Col.o Tilghman leave is given to bring in a bill for preventing persons unqualified from writing in the Publick Offices & for Obliging those who do write therein to take the several Oaths required by Law.

Ordered that Col.o Tilghman M.r B. Mackall Mr Bealle & Mr Johnson do prepare and bring in a bill accordingly

On Motion of Col.o Tilghman leave is given to bring in a bill to prevent the Importation of Superannuated impotent and diseased persons into this province and for Obliging County Pensioners to wear Badges.

Ordered that Col.o Tilghman Mr J. Tilghman & Mr J. Hall do prepare & bring in a Bill accordingly.

On Motion of Col.o Tilghman Resolved that for the future a Committee be appointed and Ordered out by the third day of every Session to inspect the publick Offices papers and Records and to report the

State & condition thereof together with Lists of all the Record Books in each respective Office and their Contents & in what Order each Book is. L. H. J. Liber No. 52 Oct. 18

On Motion of Col.° Tilghman leave is given to bring in a Bill for the Better Securing the duty of one Shilling and three pence ꝑ hogshead on Tobacco imposed by An Act for emitting and making current 90000.lb current money in Bills of Credit &c.a and all publick monys received by the Naval Officers. p. 120

Ordered that Col.° Tilghman Mr Ringgold & Mr Johnson do prepare & bring in a bill accordingly.

On Motion of Col° Tilghman leave is given to bring in a Bill for the more effectual securing Orphans Estates.

Ordered that Col° Tilghman Mr J. Hall Mr Ringgold Mr Johnson Mr J. Tilghman Mr Allen & Mr Hayward do prepare & bring in a Bill accordingly.

On Motion of Col.° Tilghman leave is given to bring in a Bill for preventing the importation of German & french papists & papish priests & Jesuits into this Province & of Irish papists by the way of Pensilvania or the Government of Newcastle Kent or Sussex on Delaware

Ordered that Col° Tilghman Mr Edmunson Mr Ringgold Mr J Hall & Mr Murdock do prepare & bring in a bill accordingly.

John Ridout Esq.r from the Upper house delivers to Mr Speaker a petition of the Vestry and Church Wardens of St Stephens parish in Cæcil County north Sassafras,

A petition of the Vestry & Church Wardens of Port Tobacco parish and a petition of the Rector Vestrymen & Church Wardens & sundry of the parishioners of Prince Georges parish in ffrederick & prince Georges County, Sev.lly Indorsed by the Upper house of Assembly 18.th Oct.r 1763. Referred to the Consideration of the Lower house of Assembly which petitions were severally read here & Ordered to lye on the Table.

Benedict Calvert Esqr from the Upper house delivers to Mr Speaker the following Message (Viz)

By the Upper house of Assembly Octr 18.th 1763

Gentlemen

Agreeable to your desire intimated to us by your Message of the 13.th Instant. We have in the paper herewith Sent particularized the Amendm.ts we think it would be proper at this time to make in the Inspection Law & we entertain hopes that on a Revisal of that Act you will be of the Same Opinion and Alter it accordingly.

Signed ꝑ Order. J. Ross, Cl. Up. Ho.

L. H. J. Liber No. 52 Oct. 18 and the following Remarks (Viz^{t})

Remarks on the Inspection Law

In the Inspectors Oath after the Words clear of Trash insert these [*These remarks which begin thus are printed in full in the Upper House Journal pp. 228-231*]

p. 122 Which Remarks were Read the first time and Ordered to lye on the Table.

On Motion of Col^{o} Tilghman Ordered that Col^{o} Tilghman M^{r} Johnson M^{r} J. Tilghman M.^{r} J. Hall M^{r} Dulany M^{r} Murdock & Col^{o} Cresap be a Committee to consider of and Lay before the house proposals for making Streight (and more effectually amending) the highways.

On Motion of Col.^{o} Tilghman Resolved that for the future a Committee be appointed and Ordered out by the third day of every Session to examine and Compare the Record of the Journal of the preceeding Session with the Original Entrys

p. 123 On Motion of M^{r} Ringgold leave is given to bring in a bill for the more easy foreclosure of Mortgages.

Ordered that M^{r} Ringgold M^{r} Johnson M^{r} Hayward and M^{r} Allen do prepare and bring in a bill accordingly

On Motion of M^{r} Bealle leave is given to bring in a Bill to continue the power of the Sheriffs and Collectors under the Act for granting £40000 &c.^{a} in collecting and accounting for the Several Sums due in Virtue of that Act.

Ordered that M^{r} Bealle Col^{o} Tilghman M^{r} Johnson M^{r} Allen & M.^{r} Hayward do prepare and bring in a Bill accordingly

The house adjourns till 2, of the Clock

Post Meridiem

The house Met according to Adjournment &c.^{a}

M.^{r} Henry Hall M.^{r} J. Goldsborough & M.^{r} Wright appeared in the house,

On Motion of M.^{r} Allen Ordered that M^{r} Goldsborough be added to the Committee of Accounts.

On reading the 2.^{d} time the bill Ent.^{d} An Act for raising 4.^{d} Sterling for every hogshead of Tobacco exported out of this province for the Support of An Agent in London &c.^{a}

The question was put that the said bill do pass.

Resolved in the Affirmative

for the Affirmative

J. Hall
Ringgold
Wilmer
W. Adams
Waters
Edmunson
Murdock
Bealle
Jacobs

L. H. J.
Liber No. 52
Oct. 18

H. Hall
Johnson
B. Mackall
Graham
Hanson
Stoddert
Smallwood
J. Adams
Hayward
Goldsborough
J. Tilghman
Gray
Paca
Dorsey
Earle
H. Baker
Ward
N. Baker
Dulany
Wright
Harris
Allen
Chaillé
Cresap
Magruder
Chapline
E. Tilghman [36]

for the Negative

Steuart [1]

Which bill was Indorsed will pass & Sent to the Upper House by M^{r} Murdock & M^{r} J: Tilghman

On reading the Message of Yesterday from the Upper house Benedict Calvert Esq.^{r} and the Remarks therewith Sent.

Resolved that this house will take the same into consideration on the Morrow Morning immediately after the Call of the house. p. 124

The house Adjourns till the Morrow Morning 9. of the Clock.

Wednesday 19.th Oct.^{r} 1763 Oct. 19

The house met according to Adjournment, the Members were called and all appeared as yesterday, the proceedings were read.

M^{r} Sulivane appeared in the house

On Motion of M.^{r} Bealle that M^{r} Charles Hammond Jun.^{r} heir at Law of Philip Hammond Esq.^{r} concerned in point of Interest in the facts set forth in the petition preferred to this house by many Subscribers and others Inhabitants near Elk Ridge landing which was ordered for an hearing this day at the Bar of this House of which M^{r} Hammond had due Notice and accordingly attends & prays that he may have a Copy of the Said petition from the Clerk of this house

Ordered that a Copy be made by the Clerk accordingly. the order of the day being read the house referred the petition of many Subscribers and others Inhabitants near Elk ridge landing to be heard at the Bar of this house on next Monday Afternoon after the Call of the house

The Order of the day being read the house took into consideration the Remarks on the Inspection Law made by the Upper house, and, on Motion, the question was put, that this house doth agree to the first Remarks. Resolved that this house doth not agree thereto

To the 2.^{d} this house doth not agree

To the 3^{d} this house doth agree

L. H. J. Liber No. 52 Oct. 19 To the first part of the 4.th relative to the weight, Resolved that this house doth agree.

To the several remarks, tending to alter the payments of Current Money into Sterling Resolved unanimously, that this house doth not agree.

To the 4.th this house doth agree, so far as relates to the Weight of the transfer Crop.

To the 5.th this house doth not agree

To the 6th & 7.th this house doth not agree

To the 8,th the question was put, that the house doth agree thereto.

Resolved in the Negative

To the 9.th this house doth not agree

To the 10.th this house doth agree

To the 11,th the question was put, that this house doth agree thereto.

Resolved in the Affirmative

for the Affirmative

Key
J. Hall
Ringgold
Worthington
Johnson
B. Mackall
Graham
Stoddert
Smallwood
Edmunson
Goldsborough
J. Tilghman
Sulivane
Gray
Murdock
Bealle
Waring
Dulany
Steuart
Wright
Cresap [21]

p. 125 for the Negative

Hanson
J. Adams
Hayward
Waters
Paca
Dorsey
Earle
H. Baker
Ward
N. Baker
Jacobs
E. Tilghman
Harris
Allen
Chaillé
Beattys
Magruder. [17]

To the 12.th 13.th 14.th this house doth not agree.

To the latter part of the 15.th relative to reweighing, this house doth agree.

To the 16,th this house doth not agree

To the 17,th the question was put, that the house doth agree

Resolved in the Negative

To the 18.th and 19.th this house doth not agree

To the 20.th this house disagrees unanimously

To the 21.st this house unanimously doth not agree

To the 22.d this house unanimously doth not agree

To the 23^d this house unanimously doth not agree

L. H. J.
Liber No. 52
Oct. 19

To the 24.^th this house doth not agree

To the 25.^th 26,^th 27.^th 28.^th 29,^th 30,^th 31.^st 32,^d 33.^d this house doth not agree

To the first part of the 34.^th this house doth not agree

To the latter part of the 34,^th this house doth agree relative to the Suppression of Cha.^s Town. Warehouse

To the 35.^th this house doth not agree.

On Motion Resolved, that this house do proceed on the Morrow Morning, after call of the house, on a further consideration of the Remarks on the Inspection Law, made by the upper house.

The house Adjourned untill the Morrow Morning 9, of the Clock

Thursday 20,^th Oct.^r 1763.

Oct. 20

The house met according to Adjournment. the Members were called and all appeared as yesterday. Except M.^r H. Hall.

The proceedings were read

The petition of the Vestry and Church Wardens of S^t Stephens parish in Cæcil County north Sassafras was read and leave given to bring in a Bill.

Ordered that M^r Earle and M.^r Hanson do prepare & bring in a Bill.

On reading the 2^d time the petition of the Vestry & Church Wardens of S.^t Anns Parish in Ann^le County praying leave to levy on each of the taxable Inhabitants in one year twenty pounds of Tobacco to be applied towards repairing the Chapple of Ease and eight pounds of Tobacco on each taxable annually for the Support of an Organist

Ordered that the Said petition be Rejected

p. 126

The petition of the Rector, Vestrymen, Church Wardens and Sundry the Inhabitants of prince Georges parish, in ffrederick and prince Georges County, praying leave to bring in a Bill to levy on the taxable Inhabitants of said parish 70000.^lb of Tobacco by two Assessments, to build a Chapple of Ease, was read the Second time.

Ordered that the said petition be rejected.

The petition of the Rector, Vestrymen and Church Wardens of port Tobacco parish praying a Supplementary Act to raise an Additional Assement of 2.^lb of Tobacco on the taxable Inhabitants of said parish, for the better Support of an Organist was read the Second time.

Ordered, that the said petition be Rejected.

The Order of the day being read; the house took into further consideration the Remarks made by the Upper house on the Inspection Law;

L. H. J. Liber No. 52 Oct. 20

And on Motion of Mr Ringgold, the question was put, that the time be Shortned for closing the Inspection

Resolved in the Affirmative

for the Affirmative

Key
J. Hall
Ringgold
Wilmer
Johnson
Graham
Hanson
Hayward
Edmunson
Thomas
Goldsborough
J. Tilghman
Sulivane
Paca
Earle
H. Baker
N. Baker
Murdock
Warring
Dulany
Steuart
Wright
Harris
[23]

for the Negative

Worthington
B Mackall
Stoddert
Smallwood
J. Adams
W. Adams
Waters
Gray
Ward
Bealle
Jacobs
E. Tilghman
Chaillé
Cresap
Beattys
Magruder
Chapline.
[17]

The question was put Whether the time for closing the Inspection be on the 10.th day of August or on the last day of July.

Resolved that the time be on the last day of July

for the 10.th of August

Worthington
B. Mackall
Stoddert
Smallwood
J. Adams
W. Adams
Waters.
Gray
H: Baker
Ward
N. Baker
Bealle
Jacobs
E. Tilghman
Chaillé
Cresap
Beattys
Magruder
Chapline
[19]

p. 127

for the last of July.

Key
J. Hall
Ringgold
Wilmer
Johnson
Graham
Hanson
Hayward
Edmunson
Thomas
Goldsborough
J. Tilghman
Sulivane
Paca
Dorsey
Earle
Murdock
Warring
Dulany
Steuart
Wright
Harris
Allen
[23]

L. H. J.
Liber No. 52
Oct. 20

On Motion of M^{r} Ringgold that an amendment be made in the Inspection Law that proprietors of Inspection houses be restrained by a Clause in the Bill. from making any private use of said houses. Resolved Accordingly.

Benedict Calvert Esq.^{r} from the Upper house delivers to M^{r} Speaker a petition of the Rector & Vestry of all faith parish in S.^{t} Mary's County. a petition of James Davis a petition of Draper Lusby and ffrances his Wife Ex.^{t} of the last will and testament of John Hynson late of Kent County deceased and Mathew Bryan of Queen Anns County a petition of Richard Richardson eldest Surviving Son of Richard Richardson late of ffrederick County deceased and a petition of Daniel Cresap Michael Cresap John Walker Nathan Triggs William Young Abraham Richardson & Ezekiel Johnson. Severally Ind.^{d} By the Upper house of Assembly 20.th Oct^{r} 1763, Read and referred to the consideration of the Lower house of Assembly which petitions were severally read here and Ordered to lye on the Table.

The house adjourns till 2, of the Clock

Post Meridiem

The house met according to Adjournment &c.[a]

On Motion the question was put, that an Amendment be made in the Inspection Law relative to Crop Tob.^{o} Resolved in the Negative.

John Ridout Esq^{r} from the Upper house, delivers M^{r} Speaker the Bill Ent.^{d} a Supplementary Act to the Act Ent.^{d} An Act for the relief of Creditors and to prevent frauds and deceipts occasioned by Secret Sales & Mortgages & Gifts of Goods and Chattels Ind.^{d} By the Upper house of Assembly 17.th Oct^{r} 1763. Read the first time & ordered to lye on the table and thus By the Upper house of Assembly 20,th Oct,^{r} 1763. read the 2^{d} time & will pass.

Signed ꝑ Order J. Ross, Cl. Up. ho.

And the Bill Ent.^{d} an Act for prohibiting all trade with Indians for the time therein mentioned Ind.^{d} By the Upper house of Assembly 17th Oct.^{r} 1763 Read the first time & Ord.^{d} to lye on the table and thus By the Upper house of Assembly 20th Oct^{r} 1763

p. 128

Read the Second time and with the following amendments, will pass in 2.^{d} line of 2.^{d} page, leave out these Words, Viz.^{t} and shall immediately upon Seizure become the property of the person or persons so Seizing the same, and insert the following, and Such person or persons so Seizing the Same Goods, Wares Commodities and Merchandizes, shall at the next County Court to be held for the County wherein Such Seizure Shall be made, give information to the Court, who are hereby ordered and impowered to Condemn the same Goods to be sold at Public Auction, and the money arising

L. H. J.
Liber No. 52
Oct. 20

from such Sale after deducting the Costs & Charges of such Condemnation and sale to be, paid to the person or persons so Seizing the same Goods, or if the Seizure is made out of the province, then the Goods to be brought within this Province and prosecuted & Condemned at the next Court that shall be held for the County, next adjacent to the place where the Seizure Shall be made

In the 7.th Line of the same page, after the Word Indian, insert these Words, Woman or Child, and Gun powder Shot or lead whatsoever, nor to any Indian, Man, and in the 11th line, instead of the words as aforesaid insert the following, in the County Court where the Offence shall be Committed together with the Costs of Suit,

Signed ꝑ Order J. Ross Cl. Up. ho

On Motion Ordered that Col.o Tilghman Mr J. Tilghman Mr Graham Mr Allen Mr Bealle Mr Murdock Mr Hanson Mr Johnson Major Warring Mr Ringgold Mr Key Mr J. Hall Mr Hayward Col.o Cresap & Mr Goldsborough be a Committee to Consider what further Alterations or amendments are necessary to be made to the Inspection Law and that they make report thereof to the house on the morrow Morning

Mr Edmunson has leave of Absence.

The Bill Ent.d an Act for the relief of Creditors &c.a was here read & passed for Ingrossing

The Bill Ent.d an Act for prohibiting all trade with the Indians &c.a was here read with the amendments proposed by the Upper house with which several amendments this house Concurs and Ordered that the bill be amended accordingly & Ind.d Read & passed for Ingrossing.

The house Adjourns till the Morrow Morning at 9. of the Clock

Oct. 21

ffriday Morning 21.st Octr 1763.

The house met according to Adjournment &c,a

Mr Murdock brings in and delivers to M.r Speaker the following Report (Vizt)

p. 129

By the Committee appointed to report further amendments to the Inspection Law.

Your Committee have agreed to report the following Amendments (Vizt)

That upon a new Inspectors receiving the house from the Old One he shall make two lists of all hhds of Tobacco then in the house which the Old Inspector Shall deliver well nailed, lined & fit for Shipping describing the Marks, Numbers, Gross, Tare, & nett weight Stamped or marked thereon and Sign a receipt at the foot of each List for such Tobacco to be given to the Old Inspector the one of which to be by him lodged with the Clerk of the County in the County Court Office.

The new Inspectors Answerable to the Owner so far as to produce the hogsheads mentioned in the list but no farther, and only to the Old Inspector for any Damages to the Tobacco for Negligence in his time.

Sect 38, Add to the Skippers Oath, that he will not wilfully damage or Suffer to be damaged any such Tobacco; lay a penalty on the Inspectors that do not tender the Oath

Add a Clause that no Captain of a Vessel taking freight shall Transport any freight Tobacco from the Warehouses on Board any Ship or other Vessel in open Boats or Vessels without good & Sufficient Covering under the penalty of £10, for every Offence. Sect 51, make the Weights 1500.

The people of ffrederick County above Connegochiague from the inconvenient Situation of Justices of the peace in that County be allowed to make Oath that they made no Tobacco, before either a Justice of the peace, the Sheriff of the County or any of his Deputys. the Certificate to be Signed by the person making the Oath as well as the person before whom it was made and the Sheriff or his Deputy to whom the Certificate is delivered to give a Receipt for it

Sect 71. After the word Warehouses add purchase of Tobacco Hogsheads.

That Kings Town and Parsons Landing Warehouses in Talbot County be under Seperate Inspection and one Inspector each and their Sallaries reduced to thirty five pounds each

That Falkoners House in Kent County shall be Suppressed, that ffrederick Town and George Town be put under one Inspection, by two Inspectors one from Cæcil County & one from Kent County to be Obliged to attend three days in the Week at one house & three days at the Other, their Salary's to be forty five pounds each

Inspectors of those houses to be rechosen p. 130

That the Inspectors in sale of Transfer Tobacco shall Set it up to Sale in Single Hogsheads and allow the Owners the Average price the Sale to be the 2.^{d} day of the Court, if fair weather, if not, the next fair day of the Court.

Sect 123. That the Justices and Representatives residing in the Counties and Inspectors of each County to meet at the Court house under the penalty of five Pounds each, unless a Sufficient excuse, on the Second Tuesday of December yearly if fair Weather if not on the next fair day and a Majority of the Justices and Representatives then present shall agree what necessary repairs, additions and Conveniencies directed by the Act are wanting at each Warehouse and

L. H. J. Liber No. 52 Oct. 21 shall Appoint one Justice and one Representative Convenient to each house to agree for Such Additions, Repairs and Conveniencies in Case the present owners on notice will not Engage to make them the expence to be Levied on the County, & deducted out of the Rent, and if owners who engage to repair, and do not comply according to agreement by the last of April, then the said Justice and Representative to have such repairs &c^a done, with all convenient Speed

That the Justices of Provincial and County Courts shall give in Charge to every Grand Jury, diligently to enquire, and true presentment make, of All Breaches of the Act; and more especially, Whether the Officers Charge any fees Contrary to the true Intention of the Act, and whether the Proprietors of Warehouses keep the Houses, Wharffs, Cranes, Prizes, & other Conveniencies, in good repair, according to the Same.

At the Above meeting, one Justice & one Representative to be appointed, to Cause to be, Surveyed and layed out, one Acre of Land at Emersens Warehouse in Talbot County, for the Use of the Public, none being yet layed but

Inspectors not to deliver Crop Notes or Receipts for Transfer unless they have the Hogsheads actually ready to be delivered for which they deliver such Notes under penalty of five Pounds for every Note or Receipt so delivered.

That there be a penalty of £100, upon each Inspector, in Case of an Inspection house being burnt, where it Can be made appear to be by the Neglect of such Inspector

Signed ꝑ Order Turbutt Wright. Clk

p. 131 Which was read the first time & the question was put whether the said Report shall be taken into consideration this Afternoon or on the Morrow Morning

Resolved, that it be taken into consideration on the Morrow Morning.

The petition of Draper Lusby & ffrances his Wife Ex.^t of the last will & testament of John Hynson, late of Kent County deceased, and Matthew Bryan of Queen Anns County, was read the first time, and Ordered to lye on the Table.

The house adjourns till 2, of the Clock

Post Meridiem

The house met according to Adjournment &c.^a

M^r Earle has leave of Absence

The petition of James Davis, the petition of Daniel Cresap Michael Cresap John Walker, Nathan Triggs, William Young Abraham Richardson, & Ezekiel Johnson, and the petition of Richard Richardson, eldest Surviving Son of Richard Richardson late of ffrederick

County, deceased, referred from the Upper house to the consideration of this house, were here severally read the first time, & ordered to lye on Table

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Liber No. 52
Oct. 21

The house Adjourns till the Morrow Morning at 9. of the Clock

Saturday Morning 22.^{d} Oct.^{r} 1763,

Oct. 22

The house met according to Adjournment &c.^{a}

M^{r} B. Mackall has leave of Absence

On Motion of Col.^{o} Cresap, Ordered, that Col.^{o} Tilghman, M.^{r} J. Tilghman and M^{r} Bealle, be added to the Committee of Grievances & Courts of Justice.

The Order of the day being read, the Report of further amendments to the Inspection Law, was read the 2.^{d} time, and the house concurs therewith.

Ordered, that M.^{r} J. Tilghman M.^{r} J. Hall, M^{r} Johnson, Col.^{o} Tilghman M^{r} Murdock, M^{r} Ringgold, & M.^{r} Hayward, be a Committee to prepare a Message to the upper house, to acquaint them with what amendments and Alterations this house hath agreed should be made to the Inspection Law, and with what they can Concur

On Motion, Ordered, that M^{r} Sulivane be added to the Committee of Accounts

On Motion of M^{r} Harris, Ordered, that M^{r} Goldsborough be added to the Committee of Elections & privileges.

M.^{r} Key and M.^{r} Worthington have leave of Absence.

The house Adjourns till 2. of the Clock

Post Meridiem

The house met according to Adjournment &c.^{a}

On Motion of Col.^{o} Tilghman, leave given to bring in a Bill to restrain the Evil practice of continuing Suits at Law on Suggestion, &c.^{a} Ordered that Col.^{o} Tilghman, M^{r} Hanson & M^{r} Murdock, do prepare and bring in a bill accordingly.

p. 132

Stephen Bordley Esq.^{r} from the Upper house, delivers to M^{r} Speaker, a petition of John Stone Hawkins, Ind.^{d} By the Upper house of Assembly 22,^{d} Oct.^{r} 1763, Read and Referred to the consideration of the Lower House of Assembly; which was read here the first time, & Ordered to lye on the Table.

A petition of Many Inhabitants of Somerset County was Read the first time, & Ordered to lye on the Table.

The petition of Draper Lusby, and ffrances his Wife, Ex.^{t} of the last will and testament of John Hynson, late of Kent Cot.^{y} deceased, and Mathew Bryan of Queen Anns County, was Read the 2.^{d} time, & thereupon Ordered, that M^{r} Hanson, M^{r} Dulany and M^{r} Allen, be a

L. H. J. Liber No. 52 Oct. 22 Committee to enquire into the Allegations and facts contained in the said petition, & to make Report thereof to the house

On Motion of James Tilghman leave is given to bring in a Bill for the Adjournm.t of Baltimore County Court;

Ordered, that Mr James Tilghman and Mr Ringgold do prepare & bring in a Bill accordingly.

Mr Hanson brings in and delivers to Mr Speaker, a bill Ent.d An Act to aid the proceedings of the Vestry of S.t Stephens parish in Cæcil County; which was read the first time, and Ordered to lye on the Table.

Mr Graham brings in and delivers to Mr Speaker, the following Report (Vizt) By the Committee Appointed to enquire into the facts contained in the petition of John Paca, Robert Adair, and Margaret Paca, Executers of John Paca, Jun.r deceased

Your Committee hereby inform the hon.ble house that they have enquired into all the facts alledged in the said petition, and find them all to be true, except that it has not appeared to them as alledged, that the Widow of William Hammond had bargained for the Sale of a Moiety of the Tract of Land called Cromwells Chance but that before she had received the Consideration Money, or excuted and Conveyance, she died Intestate and that there is a small Ballance of about twelve Pounds Current money unadministred in the hands of the Administrators debonis Non of the said William Hammond.

Your Committee beg leave, also to inform the hon.ble house, that this petition having been preferred to the last Assembly and referred to the Consideration of the present Margaret Paca, one of the said Petitioners, is Since married to a Certain Moses Hill, who we apprehend ought to be made a party in the Bill all which is Submitted to the hon.ble house

T. Ringgold
C. Graham
J. Beall, jun.r

p. 133 Which was read the first and Second time, and the house Concurs therewith

Ordered that leave be given to the petitioners to bring in a Bill according to prayer

The house adjourns till Monday Morning at 9. of the Clock

Oct. 24 Monday 24,th Oct.r 1763

The house met according to Adojurnm.t—the Members were called and all appeared as on Saturday except Mr B. Mackall M.r Bealle Mr Edmonson and M.r Worthington. the proceedings were read

Mr J. Tilghman brings in and delivers to Mr Speaker a Bill Ent.d an Act for establishing a College or Seminary of Learning within this Province which was read the first time and Ordered to lye on the Table. L. H. J. Liber No. 52 Oct. 24

The house Adjourns till 2, of the Clock

Post Meridiem

The house met according to Adjournment &ca

Mr Dent and M.r Gantt appeared in the house, Mr Johnson has leave of Absence

Col.o Tilghman brings in and delivers to Mr Speaker the Bill Ent.d An Act for prohibiting all trade with the Indians for the time therein mentioned with the Amendments made thereto proposed by the Upper house which was read Agreed to and passed for Ingrossing.

The Order of the day being Read the house referred the petition of many Subscribers and Inhabitants near Elk Ridge Landing for an hearing at the Bar of this house on Monday afternoon being the 31,st Instant and Ordered that the same be there heard after the Call of the house.

On Motion Ordered that the petition of John Stone Hawkins be taken into consideration on ffriday Next being the 28.th Instant.

Mr Dorsey has leave of Absence

The house Adjourns till the Morrow Morning at 9, of the Clock

Tuesday 25.th Oct.r 1763 Oct. 25

The house met according to Adjournment. the Members were Called and all appeared as yesterday, Except Mr Key. Mr Johnson & Mr Dorsey.

The proceedings were read

On reading the petition of Daniel Cresap & Others, on Motion of Col.o Tilghman, leave is given to bring in a Bill,

Ordered that Col.o Tilghman, Mr J. Tilghman & Coll.o Cresap do prepare & bring in a Bill accordingly.

On Motion Ordered that the Committee of Accounts at the time they Report when the Treasurers made up their last Accounts, that they include therein when the several Naval officers past their last Accounts. p. 134

The following Message (Vizt)

By the Lower house of Assembly. Oct.r 25. 1763

May it please your Honours.

We have taken your Message of the 18,th Instant, and the Remarks on the Inspection Law attending it, into our Consideration,

L. H. J. Liber No. 52 Oct. 25 and agree to the Amendments proposed in your Remarks on page the 11.th Section 34. We agree likewise to your first Remark upon 6,th Sect. 15, and to that part of your Second Remark on the same page and Section, which relates to the Weight of Tobacco. to that part of your Remark on page 24, section 65, which relates to reweighing Tobacco, and to leaving out Section 139.

We likewise agree to include in a new Law, all the necessary and proper parts of the Supplementary Laws we think it needless to make your proposed Addition to the Inspectors Oath, as that addition and every other Branch of his duty, is included in the General Terms of the oath

We cannot agree to your Amendments of page 4.th Sect. 11, as to the Commencement of the Inspectors Constant attendance; the month of March is Generally very bad Weather, and there is but little Tobacco at that time Carried to the Warehouses, And that only by People who have particular Occasions for their Tobacco, which they have a Right to have Inspected whenever they please to call upon the Inspectors

Nor can We think it reasonable to close the Inspection the Last day of June; the Business of Farming and planting are very much intermixed in most parts of the province, which a good deal retards the Planter in preparing his Tobacco for Inspecton and we think, in a General way, render it impracticable to do it by the last of June, Consistent with the Farming part of his Affairs.

We cannot agree to your last Remark on page 6 Sectn 15. because we are of Opinion, that the real Shrinkage may in many Instances, Exceed 4 ꝑ C.t and that the unavoidable Wast attending the handling of the Transfer Tobacco, frequently brings a Loss upon the Inspector upon our best Consideration of the time necessary to be allowed the People for payment of the Publick, and for the Sheriff to make his payments, we cannot agree to your Remarks upon page 9th Sect.ns 28 & 30. the amendment you propose of Page 25 Sectn 67.

We cannot agree to, many light Crop hogsheads lay a good while in the Warehouses, get dry and are Sometimes badly packed and in such Cases they are more difficult to Make heavy than Transfer Tobacco, so that We think, Obliging the Inspector to make such Tobacco 1000 Weight will impose to great a hardship on him

p. 135 Your Remark on page 28, Sect.n 80, we cannot agree to. The people generally raise Money for the Public payments, by the produce of the year past, and they Cannot, We think, with tolerable Convenience, do it sooner than against the tenth of April.

We cannot agree to your Amendment of page 13. Sectn 35, the dropping Baltimore Warehouse will bring a very great hardship on a Number of poor People

L. H. J. Liber No. 52 Oct. 25

Your Amendments of Page 20. Sect.ns 83, 84, 85, 87, as to the Alterations of time depending upon the same Reason as those on page 28.th Sect.n 80, we of Course Object to.

Your Amendment of pages 41, 42, Sectn 119, We oppose for the reasons Objected to your Remark on page 9 Sect.ns 29, & 30 your Amendment of page 43, Sect.n 125, we cannot agree to: by the proposed alteration, in this part, the Monies therein mentioned, are made to discharge just the same quantities of Tobacco they do as the Law now Stands, and in that respect works no real difference, but being Confined to the discharge of Tobacco Claims only, the people will lose the Advantage they now have of paying, not only those Tobacco Claims, but their Inspection expences, with those Species of money, and of Course, your amendment is apparently to their prejudice, We are totally at a loss to conceive upon what principles your Honours can expect we should come into a Change of all the Expences of executing the Inspection Law, and of the Alternative given to those who do not make Tobacco, from Current Money to Sterling

The people of this Province do not, without great difficulty, procure enough of that Species of Money to discharge their quit Rents, and yet, your proposals in this respect, would increase that difficulty on those who make Tobacco, by adding to their Sterling Engagements, and would give those who do not make Tobacco, the Shadow, rather than the reality of an Alternative. perhaps if we could happily light upon the reasons which induced your honours to think them Amendments proper, we might change our present Sentiments, but as they are really quite beyond our Comprehension and the Law as it Stands in this respect is universally Satisfactory to the People, we cannot consent to an alteration so prejudicial in our Opinions to the Interest of those we represent your proposal to Abolish the 72. 73, 74, 75, 76, 77, 78, 79, & 138, Sections, which provide for the reduction of Old Tobacco debts and against the Crafts & Subtelties of those who have fallen upon Measures to evade it we cannot adopt because we are well Convinced that there are many of those debts. Still in being tho under the Cover of Oppressive Changes into Money: and we doubt not but your Honours when satisfied of a bare probability of the fact, will readily Contribute your aid to the relief of those poor people who have been unwarily drawn in, to Submit to evasions so vile and dishonest, p. 136 the Clauses you Object to can work no Injury to the honest Creditor, but the Omission of them may greatly affect the injured Debtor, and this Consideration we assume ourselves will be a Motive Sufficient to induce you to decline insisting upon the proposed Alteration. In the Course of your Deliberations on the Subject of a new Inspection Law some Alterations and Amendments of the Old have occurred to us which we now lay before your Honours for your

L. H. J. Liber No. 52 Oct. 25 Consideration and are in hopes you will not think them unreasonable or unnecessary.

1.st That the Inspection be closed on the last day of July instead of the 20.th of August

2.d In the Oath taken by the Masters of Vessels after the Words "Stampt by some Inspector add" as by Law directed—that Pembertons Warehouse at Oxford be suppressed and the house lately belonging to Mr Gildart be Continued for the Oxford Inspection

3.d That no owner of any Warehouse be permitted to make any private use whatever thereof whilst under Rent to the Public

4,th Bohemia Warehouse at John Hollands to be placed under one Inspector who shall have £20 Sallary and attend three Days in a Week

5. That upon a new Inspectors receiving the house from the Old One he shall make two lists of all Hogsheads of Tobacco then in the house which the Old Inspector shall deliver well nailed lined & fit for Shipping describing the Marks Numbers Gross, Tare, and nett weight Stamped or marked thereon and Sign a receipt at the foot of each List of such Tobacco to be given to the Old Inspector, the One of which to be by him lodged with the Clerk of the County in the County Court Office

6, The New Inspectors to be Answerable to the Owner so far as to produce the hhds mentioned in the List but no farther and only to the Old Inspector for any damage to the Tobacco for Negligence in the time of the new Inspector

7, Sectn 33 Add to the Skippers Oath "that he will not wilfully damage or Suffer to be damaged any such Tobacco, lay a penalty on the Inspectors of five pounds that do not tender the Oath.

8. Add a Clause that no Captain of a Vessel taking freight shall Transport any freight Tobacco from the Warehouses on board any Ship, or Other Vessell in Open Boats or Vessels without good & Sufficient Covering under the penalty of Ten pounds for every Offence,

9, Sectn 51, make the Weights, 1500

p. 137 10, That the people of Frederick County above Connegocheague, from the inconvenient Situation of Justices of the peace in that County be allowed to make Oath that they made no Tobacco before either a Justice of the peace the Sheriff of the County or any of his deputys The Certificate to be Signed by the person making the Oath as well as the person before it was made and that the Sheriff or his deputy to whom the Certificate is delivered to give a Receipt for it

11, Sect,n 71, After the Word Warehouses, add purchase of Tobacco Hogsheads.

12. That Kings Town and Parsons Landing Warehouses in Talbot County be under Seperate Inspections and One Inspector each and their Sallaries reduced to thirty to thirty five pounds each L. H. J. Liber No. 52 Oct. 25

13. That Falkoners House in Kent County shall be Suppressed,

14 That Frederick Town and George Town be put under one Inspection, by two Inspectors one from Cæcil County and One from Kent County to be Obliged to attend three Days in the Week at one house and three days at the Other, their Sallarys to be forty five pounds each. Inspectors of those houses to be rechosen.

15. That the Inspectors in Sale of the Transfer Tobacco shall set it up to Sale in Single Hogsheads and allow the Owners the Average Price of the sale of the Tobacco belonging to each House, the Sale to be the Second day of the Court if fair Weather if fair Weather [*sic*] if not the next fair day of the Court.

16, Sect,ⁿ 123, Instead of this Section insert a Clause directing and impowering the Justices and Representatives residing in the County and the Inspectors to meet at the Court House under the penalty of five pounds each, unless a Sufficient Excuse, on the Second Tuesday of December Yearly if fair Weather, if not on the next fair Day and a Majority of the Justices and Representatives, then present, shall agree what necessary repairs Additions and Conveniencies directed by the Act are wanting at each Warehouse and Shall appoint one Justice and One Representative convenient to each House to agree for such Additions Repairs and Conveniences in Case the present Owners on Notice will not engage to make them the Expence to be levied on the County and deducted out of the Rent and if Owners who engage to repair and do not comply according to agreement by the last of April then the said Justice or Representative to have such repairs &c.ª done with all Convenient Speed,

17 That the Justices of the Provincial & County Courts shall give in Charge to every Grand Jury diligently to enquire and true presentment make of all breaches of the Act, and more especially whether the officers Charge any fees Contrary to the true Intention of the Act p. 138 and whether the proprietors of Warhouses, Wharffs, Cranes, Prizes and other Conveniencies in good repair according to the Same.

18. At the Above meeting of the Representatives and Justices one Justice and one Representative to be appointed to Cause to be Surveyed and layed out One Acre of Land at Emersons Warehouse in Talbot County for the use of the Publick none being yet layed out.

19. Inspectors not to deliver Crop Notes or Receipts, for Transfer unless they have the hhds acctually ready to be delivered for which they deliver such Notes under penalty of five Pounds for every note or Receipt so delivered.

L. H. J. Liber No. 52 Oct. 25 20, that there be a penalty of One hundred pounds upon each Inspector in Case of an Inspection House being burnt where it can be made appear to be by the Neglect of such Inspector

Signed ꝑ Order M. Macnemara Cl. Lo. Ho.

Was Sent to the Upper House by M.r Murdock & Mr Paca.

The house adjourns untill 2, of the Clock

Post Meridiem

The house met according to adjournment &c.a

Mr Bealle appeared in the house

Colo Tilghman brings in and delivers to Mr Speaker a Bill Ent,d an Act for giving a bounty for Indian Scalps & prisoners; which was read the first time, and Ordered to lye on the table

The petition of Several Inhabitants of Somerset County, was Read the Second time, and there upon Ordered, that leave be given to bring in a Bill according to prayer

Ordered, that Mr Hayward, M.r Smallwood, M.r J. Tilghman Mr Allen Mr W. Adams and Mr J. Adams, do prepare and bring in a Bill accordingly.

A Bill, Entituled, an Act to impower John Paca, Robert Adair, Moses Hill, and Margaret his Wife, to Sell and dispose of the Lands therein mentioned, late the Lands of William Hammond of Balto County deceased, for the payment of the debts of the said William Hammond

Was read the first time & ordered to lye on the Table

The house adjourns till to Morrow Morning at 9, of the Clock

Oct. 26 Wednesday 26,th Oct.r 1763,

The house Met according to Adjournment &c.a

The bill, Ent,d an Act for giving a bounty for Indian Scalps and prisoners, was read the 2.d time, and will pass, and was sent to the Upper house by Mr Magruder and Capt Chapline

Mr Hanson brings in & delivers to Mr Speaker, the following Report, Vizt

By the Committee appointed to examine into the Facts contained in the petition of Draper Lusby & Frances his Wife, Executrix of the Last Will & Testament of John Hynson late of Kent County deceased, and Mathew Bryan of Queen Anns County & to report the same to the House p. 139

Your Committee upon Examination of the last will and Testament of the said John Hynson deceased, and a deed from the said Draper

L. H. J.
Liber No. 52
Oct. 26

Lusby, & Frances his Wife, to Mathew Bryan, and Other papers, do find that the Several facts alledged in the Said Petition are true.

Signed ꝑ Order, Esme. Bayly, Cl. Committee, Oct^{r} 26, 1763.

Which was read the first & 2^{d} time, & the house Concurs therewith.

On Motion, leave given to the petitioner to bring in a Bill according to prayer.

The Bill Ent.^{d} An Act to impower John Paca, Robert Adair, Moses Hill, and Margaret his Wife, to Sell and dispose of the Lands therein mentioned, late the Lands of William Hammond, of Baltimore County, deceased for the payment of the debts of the said William Hammond was read the 2.^{d} time, and passed, & Sent to the Upper house by M^{r} Gantt and Major Waring.

The house Adjourns till 2. of the Clock

Post Meridiem

The house met according to Adjournment &c.[a]

M.^{r} Harris brings in and delivers to M^{r} Speaker, a bill Ent,^{d} a Supplementary Act to an Act Ent,^{d} an Act for erecting a County School in Worcester County and appointing Visitors for the Same, which was read the first time, and Ordered to lye on the Table

On Motion the question was put, That the College bill be read the 2,^{d} time, on the Morrow Morning, at the Sitting of the house. Resolved in the Negative.

for the Affirmative

J. Adams
W. Adams
Waters
Thomas
Goldsborough
Sulivane
Gray
Ward
N. Baker
Jacobs
E Tilghman
Wright
Harris
Allen
Chaillé
Beattys
[16]

for the Negative

J.. Hall
Bealle
Hayward
Hanson
Dent
Wilmer
Dulany
Paca
Murdock
Smallwood
Graham
Cresap
Ringgold
Waring
J. Tilghman
Stoddert
Gantt
Steuart
Magruder
Chapline
[20]

The Bill Ent,^{d} An Act to Aid the proceedings of the Vestry of S^{t} Stephens parish, in Cæcil County, was read the 2,^{d} time & will pass, and was Sent to the Upper house by M^{r} N. Baker & M^{r} Ward

L. H. J. Liber No. 52 Oct. 26

On reading the 2.^d time, the petition of George Beall, of Frederick County complaining of an undue Survey made in laying out George Town, in Frederick County to the Manifest prejudice and injury of the Said petitioner; Ordered, that an hearing be had on the Said petition, at the Bar of this house on Wednesday next, being the 2^d of Nov.^r and that all partys concerned have due Notice, and that the petitioner, and all partys have Summons's for Witness's, and all Evidences relative to proving the facts in the Said petition contained, on Application to the Clerk.

Ordered, that the Committee of Accounts do not receive any Claims against the Publick after Monday the 31.^st Instant. Ordered, that the Committee of Accounts do close the Journal of Accounts on Tuesday the first of November next.

The house adjourns till the Morrow Morning at 9. of the Clock

Oct. 27

Thursday Morning 27.^th Oct.^r 1763

The house met according to Adjournment, &c.[a]

M^r Edmunson appeared in the house

M^r J. Tilghman brings in and delivers to M^r Speaker a Bill Ent.^d an Act for the tryall of all Matters of fact in the several Countys, where they have arisen, or shall arise, which was read the first and Second time by an especial Order, and will pass, & was sent to the Upper house by M^r J. Tilghman and M^r J. Hall,

M.^r Ringgold brings in and delivers to M^r Speaker, a Bill Ent.^d An Act to confirm the Sale of Certain Land lying in Eastern Neck Island, in Kent County, by Draper Lusby and Frances his Wife Executrix of John Hynson, deceased, to Mathew Bryan, which was Read the first and Second time by an especial Order and will pass & was Sent to the Upper house by M^r Ringgold and M^r Wilmer

On Motion of M.^r J. Tilghman, leave given to bring in an Additional Supplementary Bill to the Act for emitting 90000.^lb current money of Maryland in Bills of Credit;

Ordered, that M.^r J. Tilghman & M^r Ringgold, do prepare and bring in a Bill accordingly

M^r Smallwood brings in and delivers to M^r Speaker, the following Report.

By the Committee appointed by the honble House of Delegates to Inspect into the State and Condition of the Arms and Ammunition and Accounts relating thereto. Ocotber 24,^th 1763

Your Committee having Inspected the Arms and Am̄unition in the City of Annapolis do find that there is in the Possession of the Armourer the following arms and am̄unition (Vizt)

In the Council Chamber

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Oct. 27
p. 141

200 Muskets with Slings, appear to be in good Order.

30 Trumpets, 70 Broad Swords, 2 Drums, 42 halberts and Pikes, 50 Sword Blades and 16 Daggers 59, Buff Belts,

Above the Conference Chamber

85 Black hilted Swords, 42 Bright ditto. 15 Cutlasses. 35 Pistols one New Drum & one Old ditto. 200 New Bayonets with Cartouch Boxes & Bullet Molds.

90 Buff Belts 29 Old Bayonets 86 fire Locks Short Muskets & Carbines 68. old Muskets and Carbines some without Locks and many with Broken Locks.

133 Old Cartouch Boxes 10 Old Slings 8 hair pouches and powder horns, 104 Old Muskets most of which without Locks & not worth repairing, 9 Pistols the Locks broke and out of Order 4 pair holsters 6 Broken Drums

5 Chests of Matches 30 Blue Cases for Muskets, 10 listed Cases for Carbines, 5 half Pikes 15 pair Drum Sticks 11 New Carbine Slings 7 New Cartouch Boxes 9. Old Belts for Muskets 2 Cw.^{t} Gun Powder ¼ Cw.^{t} of Musket Ball and great Shot

Under the Conference Chamber.

382, Muskets very rusty and many of the Locks want repairing 60 ditto many of the Stocks. Broke & with out Locks. 35 Musket Barrels, 3 Casks Bar lead.

40 Kegs Musket Ball each ½ Cw.^{t} 200 Bayonets 1500 Gun flints.

In the Powder house

14 Barrels Gun powder Marked F L. B. 80 Buff Belts, 1000 Gun flints.

77 Kegs Musket Ball ½ Barrel Carbine ditto

On the half Moon Battery.

15 peices of Cannon fixed on Wood Wanting Aprons and Tomkins & two Cramps as also to be paid well and painted which unless Speedily done your Committee Apprehend they will be rendered unfit for Service and even dangerous to Fire and your Committee beg leave to inform your Honble House that the Several peices of Old Cannon mentioned in former Reports have lain on the point are none of them remaining there now.

Your Committee find that Since the last Report of the State of the Arms. and Am̃unition there have been received by the Armourer into the Magazine from Fort Frederick & Fort Cumberland three hundred Muskets one hundred Gun & Carbine & Carbine Barrels two hundred Bayonets said to be much eaten with rust when they were received into the Magazine but your Committee apprehend they may have gathered much more Rust since they were received as they p. 142

L. H. J. Liber No. 52 Oct. 27

are deposited in the Cellar below the Conference Chamber which is very Damp and we imagine a very unfit place for fire Arms to be kept in which unless soon removed and cleaned will be eat out with rust, also Received from said Forts, Two hundred and fifty Cartouch Boxes much rat eaten and fifty Bullet Molds very Rusty.

Your Committee also find that out of the Quantiy of Am̄unition mentioned in Said last Report by a Memorandum given into us by the Armourer, that the following quantities of Am̄unition have been delivered out as the Armourer Says by Order of the Gov.r which Order nor Receipts for the same have never been produced to us

Delivered out of the Magazine and Stores of the City of Annapolis, (Vizt)

1762 Octr 22	delivered to Thomas Richardson & Company 2 Barrels Gunpowder Marked F. L. B.
Nov 10th	delivered to Mr Smith Merchant in Chester Town 2 Barrels Gunpowder Mk F. L. B
1763 June 5.th	delivered to Basil Croser 2 Barrels Gunpowder to be delivered to Colo Thomas Prather or his Order at the Mouth of Conococheague
July 11.th	By Order of his Excellency was Sent to Frederick County 2 Barrels Gun Powder marked F. L. B. 7 Cw.t Bar Lead, 6 Kegs of Leaden Ball which makes 1000. W.t to be delivered to Col.o Thomas Prather at the Mouth of Conogocheague

Your Committee beg leave to Acquaint your hon.ble house that upon comparing the present Stock of Arms & ammunition and the quantities said to be delivered out Since April 1762 with what was on hand at that time that there is a deficiency of Six Barrels of Gunpowder two kegs Musket Ball 997 Cw.t mixed Ball, 1 halberd. 1 Cask Barr Lead the delivery of which the Armourer cant give any Satisfactory Account of and it further appears to your Committee that the present Armourer is and we imagine from his Infirmity will continue incapable of taking due care of the Arms many of which unless immediately cleaned and repaired will be rendered useless to the Province

All which is humbly Submitted to the Consideration of the hon.ble House

Signed ꝑ Order Henry Wilkins, Clk.

Which was Read the first time and Ordered to lye on the Table

Benedict Calvert Esqr from the Upper House delivers to Mr Speaker the Bill Entd An Act for giving a bounty for Indian Scalps and prisoners, and the Bill, Ent,d an Act to aid the proceedings of the Vestry of S.t Stephens parish in Cæcil County, Severally Ind.d By the Upper house of Assembly 26,th Oct,r 1763. Read the first time &

Ordered to lye on the Table & thus by the Upper house of Assembly 27,th Oct.r 1763. Read the Second time & will pass

L. H. J. Liber No. 52 Oct. 27

Signed ℘ Order J. Ross, Cl. Up. Ho.

Which bills were Severally read here & passed for Ingrossing

On Motion ordered that Mr Grahame M.r Wright M.r Hanson Mr Smallwood & Colo Cresap be a Committee to examine the Agents, Accounts, and Make Report thereof to the House, p. 143

The house Adjourned till 2, of the Clock

Post Meridiem

The house met according to Adjournment &ca

Mr Tilghman brings in and delivers to Mr Speaker a bill Entituled a Supplementary Act to the Act Ent.d An Act for emitting & making Current 90000.lb current money of Maryland in bills of Credit; which was Read the first time, & ordered to lye on the Table.

Mr Goldsborough brings in and delivers to Mr Speaker the following Report (Vizt)

By the Committee of Elections and Priviledges, Oct.r 27, 1763.

Your Committee have inspected the Writ for Electing a Deputy and Delegate for Cæcil County, and the Return thereon and do find that Mr Nathan Baker of Cæcil County, is returned, your Committee beg leave to Observe to the hon.ble House, that the Indenture annexed to the Said Writ is not agreable to the Usual form of Indentures, that it only Delegates the said Member by the Terms thereof, to Serve in the General Assembly then Sitting, which your Committee apprehend to be irregular all which is Submitted to the Honourable House.

Signed ℘ Order Esme Bayly. Clk

Which was read and Ordered to lye on the Table

Col.o Tilghman brings in and delivers to Mr Speaker, an Ingrossed Bill Entd An Act for giving a bounty for Indian Scalps and prisoners, and an Ingrossed Bill Ent.d An Act for prohibiting all trade with the Indians for the time therein mentioned which Bills were severally Read, and Assented to, & sent to the Upper house with the paper bills, by Colo Tilghman & Mr Dent,

The House adjourns till the Morrow Morning at 9, of the Clock

Friday Morning 28.th Oct.r 1763. Oct. 28

The house met according to Adjournment &c.a

Mr Worthington & Mr Henry Hall appeared in the house

Cap.t Chapline has leave of Absence

L. H. J. Liber No. 52 Oct. 28 On reading the 2.^{d} time the Bill Ent^{d} An Act for establishing a College or Seminary of Learning within this Province on Motion the question was put that the payments of the several dutys Impositions fines & forfeitures & other payments in money under the Bill be p. 144 made in the same Specie and at the Same rates as mentioned in the Inspection Law now in force

Resolved in the Affirmative.

for the Affirmative

J. Hall
J. Adams
Hayward
W. Adams
Waters
Thomas
Goldsborough
Sulivane
Gray
H. Baker
Edmunson
Ward
N. Baker
Jacobs
E Tilghman
Wright
Harris
Allen
Chaillé
Beattys
Magruder. [21]

for the Negative

Ringgold
Dulany
J. Tilghman
Hanson
Dent
H. Hall
Cresap
Murdock
Waring
Smallwood
Graham
Worthington
Wilmer
Steuart
Paca
Beall
Stoddert
Gantt
Chapline [19]

The house Adjourns untill 2, of the Clock

Post Meridiem

The house met according to Adjournment &c.[a]

M^{r} Key appeared in the house

The Bill Ent,^{d} An Act for establishing a College or Seminary of Learning in this Province was made the 2^{d} time and question was put that the said Bill do pass, Resolved in the Affirmative

for the Affirmative

Key
J. Hall
Ringgold
Wilmer
Beall
Worthington
H. Hall
Gantt
Graham
Waring
Hanson
Dent
Stoddert
Smallwood
Dulany
Hayward
J. Tilghman
Paca
Murdock
Cresap
Magruder [21]

L. H. J.
Liber No. 52
Oct. 28

for the Negative

J. Adams
W. Adams
Waters
Edmunson
Thomas
Goldsborough
Sulivane
Gray
H. Baker
Ward
N Baker
Jacobs
Steuart
E. Tilghman
Wright
Harris
Allen
Chaillé
Beattys
[19]

Daniel Dulany Esq.r from the Upper house delivers to Mr Speaker the Bill Ent,d An Act for the Advancement of Justice Ind.d By the Upper house of Assembly 28.th Oct.r 1763

Read the Second time & will pass with the following Amendments, in page 2d Line 5,th from the Bottom leave out the Words to plead to issue the same Court & so to the End of that page, and instead thereof the following Words, to proceed to tryal the Court, and if the Def.t Shall refuse or Neglect to Answer or plead to render Judgment for the Plaintiff with Cost of Suit unless Sufficient Cause be Shewn by the Defendant why there should be an Imparlance, after the Words dispute in 2d line of 3d Page instead of the words shall not exceed the Sum of Twenty Pounds Sterling Money or five Thousand Pounds of Tobacco, insert the following Words, is not of Sufficient Value to remove the same into Chancery, after the Word have in 4th line of the 4th page insert the following Words in his Own Name as Assignee, after the word, had in the 6,th line of 4.th page insert the following Words Vizt the said assignment being first recorded in the same Court wherein the Judgment Shall have been rendered or Obtained, and in 6th Line from the Bottom of the Same page before proceding, put Equitable Course after the Word, mentioned in 5.th line of 5.th page insert the following Words, in Case the said Assignee hath not been nor shall be a Surety in the Bond or Obligation Assigned to him as af,d after the Word Assignee, in the 10,th line of the same page insert the following Words, upon any Assignment wherein the Obligee or Obligees may be liable under this Act upon the default of the Obligor or Obligors as af.d and leave out the last Clause in the Bill. p. 145

Signed ꝑ Order J. Ross, Cl. Up. Ho

Mr Tilghman hath leave of Absence.

The Order of the Day being read; the house referred the Consideration on John Stone Hawkins's petition, untill the Morrow & ordered that the same be then taken into Consideration.

On Motion of Col° Tilghman, leave is given to bring in a Bill for raising a duty of £5. a head on Negroes to be imported for the better Support of the Several County Free Schools; ordered that Col.° Tilghman Mr Allen M.r Ringgold & M.r Hall, do prepare & bring in a Bill accordingly

L. H. J. Liber No. 52 Oct. 28 On Motion of Col.° Tilghman, leave given to bring in a Bill to take a Certain Sum of Money out of the paper Currency Office towards the Support of a Free School in Frederick & Worcester Countys.

Ordered that Col.° Tilghman, Mr Allen Col.° Cresap, & Mr Key do prepare and bring in a Bill accordingly.

M.r Hayward Mr Magruder M.r Henry Baker & Mr Allen have leave of Absence

The house adjourns till the Morrow Morning at 9, of the Clock

Oct. 29 Saturday 29,th Oct,r 1763

The house met according Adjournment, the Members were called and all appeared as Yesterday except M.r Paca Mr Magruder & Capt Chapline.

The proceedings were Read

J. Ridout Esq.r from the Upper house delivers to Mr Speaker the following Message.

By the Upper House of Assembly 29,th Oct,r 1763

Gentlemen

As we Observe by your Message of the 25,th that you admitt the propriety of some of our Remarks on the Inspection Law [*The message which begins thus is printed in full in the Upper House journal pp. 238-240*]

p. 147 Which was read & ordered to lye on the Table

The Bill Ent,d An Act for establishing a College, or Seminary of Learning within this Province was Sent to the Upper house by Mr J. Tilghman, & five more

The Order of the day being read, Ordered, that the petition of John Stone Hawkins be referred to Thursday Morning next being the third day of November, to be then heard at the Sitting of the house.

On Reading the Message from the Upper house of this day, by J. Ridout Esq.r

To the first Amendment this house doth unanimously disagree

To the 2.d already Agreed to.

To the 3d this house doth Agree

p. 148 To the 4,th this house doth unanimously disagree

To the 5,th this house doth agree

To the 6th Already agreed to

To the 7.th this house doth not agree

To the 8.th this house unanimously doth not agree

To the 9th this house doth not agree

On Motion, ordered, that Col.^{o} Tilghman, M.^{r} J. Hall, M^{r} Dulany M^{r} Ringgold M^{r} Murdock & M.^{r} Allen, do prepare a Message, in answer to the Message of this day from the Upper house by J. Ridout Esq.^{r} L. H. J. Liber No. 52 Oct. 29

Daniel Dulany Esq.^{r} from the Upper house, delivers to M^{r} Speaker a petition of the Rector, Vestrymen, Church Wardens & the Other parish.^{rs} of all Saints Parish in Frederick County, Ind.^{d} By the Upper house of Assembly, Referred to the Consideration of the Lower house of Assembly, which petition was here Read and ordered to lye on the Table.

M^{r} Gantt. M.^{r} Hanson M^{r} Graham & M^{r} Hall have Leave of Absence

The House Adjourns till 2. of the Clock

Post Meridiem

The house met according to Adjournment &c^{a}

The house Adjourns till Monday Morning at 9, of the Clock

Monday 31,st Oct.^{r} 1763 Oct. 31

The house met according to Adjournment the Members were Called & all appeared as on Saturday Except M.^{r} Hayward

The proceedings were Read. M.^{r} Hammond appeared in the house

An Ingrossed bill Ent.^{d} an Act continuing an Act Ent^{d} an Act for releiving the Inhabitants of this Province from some aggrievances in the prosecution of Suits at Law & for continuing the Supplementary act thereto

An Ingrossed Bill Ent.^{d} an Act continuing an Act Ent^{d} An Act for increasing the Allowance of grand & petit Jurors who shall attend the Provincial Court to limit Costs with respect to Witnesses and granting them an Allowance for itinerant charges.

An Ingrossed Bill Ent.^{d} An Act continuing an Act Ent^{d} a Supplementary Act to the Act Ent.^{d} an Act for the relief of Creditors in England against Bankrupts who have imported Goods into this Province not accounted for

An Ingrossed Bill Ent^{d} an Act continuing an Act Ent.^{d} an Act for preventing Indians disaffected to the British Interest in America from coming into this Province as Spies or on any other Evil design.

An Ingrossed Bill Ent.^{d} An Act continuing an Act, Ent.^{d} An Act to prevent persons from Secreting Boats ffIats & Other Vessels drove by Stress of weather from Landings & Moorings p. 149

An Ingrossed Bill Ent^{d} an Act continuing An Act Ent^{d} an Act to remedy some Evils relating to Servants

L. H. J. Liber No. 52 Oct. 31 An Ingrossed Bill Ent.[d] An Act continuing An Act Ent[d] an Act to prevent Masters of Ships & Vessels from Clandestinely carrying Servants & Slaves or persons indebted out of this Province

An Ingrossed Bill Ent.[d] an Act continuing an Act Ent.[d] a Supplementary Act to the Act Ent.[d] An Act ascertaining the heighth of Fences to prevent the Evil occasioned by the Multitude of Horses and restraining horse rangers within this Province and to. redress the great Evil accruing to this Province by the Multiplicity of Useless horses Mares and Colts that run in the Woods

An Ingrossed Bill Ent.[d] An Act continuing An Act Ent.[d] An Act for the Gauge of Barrels for Pork beef pitch Tar Turpentine and tare of Barrels for Flour or Bread

An Ingrossed Bill Ent.[d] a Supplementary Act to the Act for the relief of Creditors & to prevent frauds and deceits occasioned by Secret Sales & Mortgages and Gifts of goods & Chattels

And an Ingrossed Bill Ent.[d] An Act to aid the proceedings of the Vestry of S.[t] Stephens parish in Cæcil County were Severally read and Assented to. and Sent to the Upper house with the paper bills, by M[r] Thomas & M.[r] Chaillé

On Motion leave given to bring in a bill for the Adjournment of Baltimore County; Ordered that M[r] Ringgold do prepare and bring in a bill accordingly,

M[r] Ringgold Brings in and delivers to M[r] Speaker, a bill Ent.[d] an Act for the Adjournment of Baltimore County Court; which was read the first & Second time by especial Order, & will pass;

And was Sent to the Upper house by M.[r] Ringgold & M[r] J. Hall.

The house Adjourns till 2, of the Clock

Post Meridiem

The house met according to Adjournment &c[a]

M[r] H. Hall appeared in the house

The following Message (Viz[t])

By the Lower house of Assembly Oct.[r] 31.[st] 1763.

May it please your Honours.

In Answer to yours of the 29,[th] we adhere to our proposal of Closing the Inspection on the last day of July, which is amongst the p. 150 Number of those agreed to by you, altho' you Seem to recommend the 20.[th] of July as a more Convenient time, but we can by no means be of that Opinion as it would greatly Interfere with the Business of Farming in many parts of the Province

We are clearly of Opinion that the leaving out the Seventy Second and seven following Sections and the One hundred and thirty Eighth would put it in the power of Artful and Designing Creditors to take unfair Advantages of unwary Debtors and therefore we think those Sections ought not to be Omitted in Case the Inspection Law Should be Re Enacted

L. H. J.
Liber No. 52
Oct. 31

Baltimore Warehouse in Worcester County we agree to Suppress but cannot adopt the Clause you recommend by which the Clergy and Others may not be Compelled to receive Transfer Notes in payment after three Months from their date, as it would tend to frustrate the General design of the Law to make Transfer Notes a kind of paper Currency

We agree to Insert a Clause to the Same Effect as that proposed by your Honours relative to the Sale of Old Crop Tobacco. where no Owner or Proprietor appears; altho these two last being new Remarks we are not fully Satisfyed of propriety of making them, after you had already given us in a former Message what we did imagine were all the Alterations and amendments you had to propose

Your Honours have Agreed to all the Amendments proposed in Ours of the 25,th unless it be the 16,th 17,th 18,th and as you say part of the 19.th which is in fact agreed to assure did not design a penalty upon the Inspector in any Case but where Crop Notes or Receits in lieu of Transfer were delivered out before the hogsheads were actually Ready

We well know from long Experience the great Neglect of the Justices with Respect to the Order and Conveniencies of Warehouses and therefore Still think that duty will be better Executed by naming in the Bill the Representatives of the Counties to be joined with them, and hope you will think our proposal Reasonable agreeing to allow those Justices and Representatives that attend, the same as for Justices allowance at the County Courts, & Inspectors half that Sum

As to the 17.th Amendment we cannot think it unnecessary we know the Complaints of the people to be many and loud with regard to the Illegal charge of few by Officers and the Neglect of the Owners & Proprietors of Warehouses in not keeping the Houses Wharfs Cranes Prizes & other Conveniences in good Repair, and your Honours must be well acquainted that there are matters of less Consequence that by the Laws of this Province are Injoyned to be given in Charge to Grand Jurys

p. 151

By your proposed alteration, with respect to the money, neither our present Bills of Credit, nor any future Currency of that kind, will discharge the Officers Fees, Clergys allowance, Publick dues, or Charges of Inspection, nor will the Gold Coins pay any of the Charges of Inspection, the Monies, which by your proposal will alone discharge all those matters, will probably soon be drained away by Remittances to Europe, and then what is the Alternative of paying Money worth to those who do not make Tobacco:

This Alternative is one of the most Valuable parts of the Law

L. H. J.
Liber No. 52
Oct. 31

The quantity of our Staple was too great, and this was the Measure fallen upon to reduce it; when this Alternative is in Effect taken away, the people must again have Recourse to making Tobacco, these and many more, will be the Evils and disadvantages of your proposed Change; and for these, and other good Reasons, & which your addition now of Dollars does not Obviate, we, in our last Message, intimated to your Honours, that we Cou'd not agree either to the Changing the present Establishment of Gold Currency into Tobacco, or of Changing all the payments under the Inspection Law, from Currency into Sterling, not being Satisfied of the Expediency of such a Measure, and we did not doubt but your Honours would have given us your Reasons for proposing so Considerable an Alteration, but as we have been disappointed in our Expectations, we have no rational Inducement for departing from a Regulation we have so long experienced, which we are fully Convinced is entirely Satisfactory to our Constituents, and which indeed from its long Establishment, is become the Foundation on which most of our Commercial Transactions Stand

We hope, therefore, that your Honours will either Concur with us on our Reasons, in this particular, or give more Substantial ones to Induce us to entertain Different Sentiments about it.

And we shall afterwards Readily go into the framing a new Bill upon the plan of the present Law, Including the Alterations & Amendments agreed to by both Houses

Signed ꝑ Order M. Macnemara Cl. Lo. Ho.

Was Sent to the Upper house by M^r^ Hammond & M^r^ H. Hall

J. Ridout Esq^r^ from the Upper house delivers to M^r^ Speaker a petition of the Inhabitants of Baltimore Town Indorsed By the Upper house of Assembly 31.^st^ Oct.^r^ 1763. Referred to the Consideration of the Lower house of Assembly which was here Read and Ordered to lye on the Table

p. 152 Stephen Bordley Esq.^r^ from the Upper house delivers to M^r^ Speaker the Bill Ent.^d^ an Act for the Adjournment of Baltimore County Court (Ind^d^) By the upper house of Assembly 31.^st^ Oct.^r^ 1763, Read the first & Second time by especial order the words therein being added after the word duty in the 3.^d^ line and will pass,

Signed ꝑ Order, J. Ross, Cl. Up. Ho.

Which bill was read here and with the amendment proposed passed for Ingrossing

An Ingrossed Bill Ent.^d^ Act for the Adjournment of Baltimore County Court was Read and Assented to & Sent to the Upper house with the paper Bill by M.^r^ Ringgold & M^r^ Jacobs,

B. Calvert Esq.^r^ from the Upper house delivers to M^r^ Speaker the paper Ent.^d^ an Act for the adjournment of Baltimore County

Court. (Ind^d^) By the Upper house of assembly 31.^st^ Oct.^r^ 1763, the Ingrossed Bill whereof this is the Original is read & assented to L. H. J. Liber No. 52 Oct. 31

Signed ꝑ Order J. Ross, Cl. Up. ho.

Benedict Calvert & Stephen Bordley Esq.^rs^ from the Upper house acquaint M^r^ Speaker that the Governor requires the Attendance of the Lower house immediately in the Council Chamber

M^r^ Speaker left the Chair, and (with the Other Members of the Lower house) went to the Upper house, and presented to his Excellency, And Ingrossed Bill Ent.^d^ An Act for the Adjournment of Baltimore County Court; which his Excellency passed into a Law in the usual manner

M^r^ Speaker (with the rest of the Members) returned to the Lower House and resumed the Chair.

The Order of the day being Read, the house took into consideration the petition of Many Inhabitants near Elk ridge Landing in Ann.^le^ County praying to have a Town erected there and on Motion the Question was put whether it was expedient to erect a Town at Elk ridge Landing or not Resolved in the Affirmative

On Motion Ordered that the petition of many Inhabitants of Elk ridge Landing, be referred for further consideration on the Morrow Morning immediately after the Call of the house

The house Adjourns till the Morrow Morning at 9, of the Clock

Tuesday Morning 1,^st^ Nov,^r^ 1763 Nov. 1

The house met according to Adjournment, the Members were called and all appeared as yesterday, the proceedings were Read

Col,^o^ Loyd and Major Hynson appeared in the house

The Order of the day being Read the house took into Consideration the petition of many the Inhabitants near Elk Ridge Landing on Ann.^l^ County, and Ordered that the said petition be granted and leave given to bring in a Bill according to prayer.

Ordered that M^r^ J. Hall M^r^ Tilghman Col.^o^ Tilghman M^r^ Johnson M^r^ Murdock M^r^ Key M^r^ Bealle & M^r^ Worthington do prepare & bring in a Bill accordingly.

The petition of the Rector Vestrymen Church Wardens and Inhabitants of Port Tobacco parish praying to have leave to bring in a Bill to levy on the Taxable Inhabitants of the said parish an additional quantity of 2,^lb^ of Tob.^o^ ꝑ poll for the Support of an Organist was read & Rejected p. 153

The petition of the Rector Church Wardens Vestrymen and Others of S^t^ Johns parish in Prince Georges and Charles Countys praying to levy on the taxable Inhabitants at two equal assessments 350.^lb^ Current money to make an enlargem.^t^ of their parish Church was Read and leave given to bring in a Bill according to prayer,

L. H. J. Liber No. 52 Nov. 1 Ordered that M^r^ Beall M.^r^ Stoddert, M^r^ Murdock Major Waring M^r^ J. Hall and Col.^o^ Tilghman do prepare and bring in a Bill accordingly

The petition of all faith Parish in S^t^ Marys County was read & Rejected

The petition of S.^t^ Andrews Parish in S^t^ Marys County was Read & referred to the Consideration of the Next Assembly

The Petition of all S.^ts^ Parish in ffrederick County was Read & Rejected

The Petition of Baltimore Town, in Baltimore County, was Read, & leave given to bring in a Bill, ordered, that M^r^ Key, M^r^ Johnson, & Col.^o^ Tilghman, do prepare and bring in a Bill

The house adjourns untill 2, of the Clock

Post Meridiem

The house met according to Adjournment &c.^a^

M^r^ Plater appeared in the house

The petition of Richard Richardson, of Frederick County was Read & leave given to bring in a Bill According to prayer

The house adjourns till the Morrow Morning at 9, of the Clock

Nov. 2 Wednesday Morning 2^d^ Nov,^r^ 1763

The house met according to Adjournment &c.^a^

M.^r^ B. Mackall appeared in the house

M.^r^ Henry Hall hath leave of Absence

The house Adjourns till 2. of Clock

Post Meridiem

The house Met according to Adjournment &c.^a^

Richard Lee Esq^r^ from the Upper house delivers to M^r^ Speaker the Bill Ent^d^ An Act to empower John Paca, Robert Adair, Moses Hill & Margaret his Wife, to Sell and dispose of the Lands therein mentioned late the lands of William Hammond of Baltimore County deceased for the payment of the debts of the said W.^m^ Hammond Ind^d^ By the Upper house of Assembly 26^th^ Oct.^r^ 1763 Read the first time & Ordered to lye on the Table (and thus) By the Upper house of Assembly 2^d^ Nov^r^ 1763 Read the 2^d^ time & will pass

Signed ℘ Order J. Ross. Cl. Up, ho,

Which Bill was read here & passed for Ingrossing

p. 154 M^r^ Goldsborough from the Committee of Accounts lays before the house An Account of M^r^ John Ross Clerk of the Council for

L. H. J.
Liber No. 52
Nov. 2

Seven Years Salary ending the 10,th of May 1763, amounting to 67,200,lb of Tobacco which being read the first & Second time, is unanimously disallowed.

The Bill Ent,d a Supplementary Act to An Act Ent,d An Act for erecting a County School in Worcester County and appointing Visitors for the Same was read the 2,d time & the question was put, that the said Bill do pass

Resolved in the Affirmative

for the Affirmative

Plater
J. Hall
Hynson
Wilmer
Loyd
Worthington
Johnson
B. Mackall
Gantt
Graham
Hanson
Dent
Stoddert
Smallwood
Edmunson
Thomas
Goldsborough
J. Tilghman
Sulivane
Gray
Ward
N. Baker
Murdock
Beall
Warring
Jacobs
Dulany
Steuart
E Tilghman
Wright
Harris
Allen
Chaillé
Cresap
Beattys
[35]

for the Negative

Key
Hammond
J. Adams
W. Adams
Waters
[5]

The Order of the day being read the Petition of George Beall was referred for Consideration on the Morrow Morning, and Ordered that the same be then heard

The house Adjourns till the Morrow Morning at 9, of the Clock

Thursday Morning 3d Novr 1763.

Nov. 3

The house met according to Adjournment the Members were called and all appeared as Yesterday. Except M.r Henry Baker & Mr Henry Hall

The proceedings were Read. M.r Gray has leave of Absence

The Order of the day being read; the house proceeded to take into consideration the petition of John Stone Hawkins, and on Motion the Question was put whether the house will proceed further on a Consideration of the said petition, or not Resolved in the Affirmative

On further consideration of the said petition, Ordered that Mr John Stone Hawkins do file his Petitionary Bill, and that he have Notice to file the said Bill as soon as conveniently may be and that

L. H. J. Liber No. 52 Nov. 3 the Petitioner have a Copy of his said petition, on Application to the Clerk of this house

The Bill Ent.^{d} An Act for the Security of purchasers & Others being protestants Claiming by or from Aliens, was read the 2^d time & will pass

The Bill Ent^d a Supplementary Act to the Act Ent^d an Act for erecting a County School in Worcester County & Appointing Visitors for the same was Sent to the Upper house by M^r Harris & M^r Allen

p. 155 The Order of the day being Read, the house Referred the Consideration of the petition of George Beall to Thursday the 10.th Instant; and Ordered that the same be heard at the Bar of this house at the Setting thereof on the Morning of the Same day, and that the Commissioners, of George Town be personally Served with a Copy of this Order, or if Absent from home by leaving a Copy thereof at their house, or place of Residence on or before Monday next, being the 7,th Instant and that a Copy of this Order be Affixed at the most publick places in George Town on or before Monday Next, being the 7,th Instant, in Order that such affixing may be deemed Sufficient notice to all persons interested, on an Affidavit thereof being made produced to this house

The house Adjourns till 2, of the Clock

Post Meridiem

The house met according to Adjournment &c,[a]

M^r William Adams brings in and delivers to M^r Speaker. a bill Ent^d an Act for the erecting a Town at the head of Wicomico River in Somerset County, for laying into lots fifty Acres of Land in the fork thereof and at the Landing formerly called Handys or Carrs Landing; which was Read the first time & Ordered to lye on the Table.

On Motion Ordered that a Summons be made Out by the Clerk of this house for Thomas Prather, of Frederick County to appear before the Committee of Grievances forthwith, and bring with him all such Instructions as he hath at any time received relative to the laying out leasing or receiving Rents of any part of his Lordships Manor of Conococheague, and the Reserve thereto adjoining, or any other way, relative to the Estates or possessions of the Tenants of any part of the said Manor or Reserve,

On Motion of Col.^{o} Tilghman leave given to bring in a Supplementary Bill to the Act, Ent.^{d} an Act relating to the Standard of English Weights & Measures

Col.^{o} Tilghman brings in and delivers to M^r Speaker a Bill Ent,^{d} a Supplementary act to the Act Ent^d An Act relating to the Standard of English Weights & Measures which was read the first time, and Ordered to lye on the Table

The Bill, Ent.^{d} a Supplementary Act to the Act Ent.^{d} An Act for emitting and making Current £90000 Current money of Maryland, in Bills of Credit, was read the 2,^{d} time and will pass. L. H. J. Liber No. 52 Nov. 3

B. Calvert Esq.^{r} from the Upper house delivers to M^{r} Speaker the following Message

By the Upper house of Assembly Nov^{r} 3, 1763,

Gentlemen

Altho' we are Still of Opinion, for the Weighty Reasons given in our last Message [*The message which begins thus is printed in full in the Upper House journal pp. 245-247*]

Which was Read the first time and the Consideration thereof on a 2^{d} Reading was Referred till the Morrow Morning at the Sitting of the house. p. 158

M^{r} Goldsborough from the Committee of Acc.^{ts} lays before the house Sundry Acct.^{s} for the Charges and expences of the Militia, Sent out from Kent Queen Ann's and Frederick, of the Voluntiers & for transporting Troops, for provisions, for quartering of Soldiers, and for Carriage hire and on Motion the question was put, that all the accounts brought in by the Committee of Accounts and laid before the house for the Charges & Expences of the Militia that were Sent out from Kent, Queen Ann's & ffrederick and of the Voluntiers, & for transporting the Troops, & for provisions, & for the quartering of Soldiers in Annapolis, Cæcil, Kent & ffrederick, & for Carriage hire, so far as they may be thought reasonable be inserted in the Journal of Accounts

Resolved in the Negative

for the Affirmative

Key
Plater
J. Hall
Wilmer
Johnson
B Mackall
Graham
Edmunson
Thomas
Goldsborough
Sulivane
Gray
Dulany
Steuart
Wright
Harris
Allen
Chaillé
[18]

for the Negative

Hynson
Loyd
Worthington
Hammond
Gantt
Hanson
Dent
Stoddert
Smallwood
J. Adams
W. Adams
Waters
J. Tilghman
Ward
N. Baker
Murdock
Beall
Warring
Jacobs
E Tilghman
Beattys
Cresap
[22]

L. H. J. Liber No. 52 Nov. 3 The house Adjourns till the Morrow Morning at 9, of the Clock

Nov. 4 Friday Morning 4th Nov.r 1763

The house met according to adjournment & the Members were Called & all appeared as yesterday; Except Mr Gray.

The proceedings were Read

M.r Magruder & Mr Henry Hall appeared in the house.

On Motion Resolved that when a Sufficient Number of Members to Compose an house are met that the house do proceed to Business notwithstanding the Absence of any

p. 159 On Motion of Col.o Tilghman leave given to bring in a Bill for the Speedy payment of such persons as have been Ordered to March to the Western frontier of this Province for the defence thereof of the Expences of Carriages & provisions for such persons and of Such as have been put to the expences of quartering his Majestys Regular fforces within this Province out of the public Money's now in hand.

Ordered that Col.o Tilghman Mr Ringgold, M.r J. Tilghman Colo Loyd and Mr Bealle do prepare and bring in a Bill accordingly.

On Motion Ordered that the Accounts for the Charges and Expences of the Militia which were inserted on the Journal be taken from it and inserted in the Bill Ordered to be brought in for that purpose.

On Motion of Mr James Tilghman that An Address be prepared to his Excellency requesting him to lay before this House any Instruction he may have from his Majesty or his Ministers or from the Lord proprietary by which he is restrained from giving his Assent to any Regulation of Money in the Inspection Law

Ordered that Mr J. Tilghman Col.o Tilghman Mr Ringgold Mr Hammond Mr J. Hall & Mr Murdock do prepare and bring in an address accordingly.

Mr Murdock brings in and delivers to Mr Speaker an Address to the Governor which was read approved and Ordered to be Ingrossed.

Col.o Tilghman brings in and delivers to Mr Speaker the following Ingrossed Address (Vizt)

To his Excellency Horatio Sharpe Esq.r Governor & Commander in Chief and Over the Province of Maryland.

The Humble Address of the house of Delegates

May it please your Excellency.

In a Message received yesterday from the Upper house Relative to proposals which have passed between the two Houses for framing a New Inspection Law, they are pleased to inform us that upon Application to your Excellency, they were Satisfied by your Answer,

L. H. J. Liber No. 52 Nov. 4

that you were so restricted that you coud not with prudence, and the Obedience you Owed to his Majesty & the Lord Proprietary, give your Assent to a New Bill which should rate the Species of Coin mentioned in the Statute of the Sixth of Queen Anne higher than they are by that Statute rated as a Currency, because such a Regulation had been deemed in England to be repugnant to the said Statute.

p. 160 This Seems to intimate, that your Excellency has received some Instructions from his Majesty or his Ministers, or the Lord proprietary, by which you are restrained from giving your Assent to any Regulation of Money in the Inspection Law, now under consideration, different from that Established by the said Statute for which reason we must beg that your Excellency will be pleased to Communicate to this house any Instruction you may have respecting that matter that due regard may be paid thereto in our determination on that head

Which was read and Assented to and Signed by Order of the house by the hon^ble^ Speaker,

The house Adjourns till 2, of the Clock

Post Meridiem

The house met according to Adjournment &c.[a]

Ordered that Doctor Steuart & M^r^ Thomas do acquaint his Excellency that this house hath prepared an Address to be presented to him and desires to know when and where he will please to receive it they return and acquaint M^r^ Speaker that the Governor Signified he would be ready to receive the Address in half an hour in the Conference Chamber.

Ordered that Col.^o^ Loyd & five more do present the Address.

M^r^ Ringgold brings in & delivers to M^r^ Speaker a bill Ent^d^ an Act for the more Effectual Securing of Orphans Estates which was read the first time and Ordered to lye on the Table.

M^r^ Ringgold brings in and delivers to M^r^ Speaker a bill Ent^d^ an Additional Supplementary Act to the Act Ent^d^ an Act for quieting possessions Enrolling Conveyances and Securing the Estates of purchasers.

Which was read the first time & Ordered to lye on the Table

The Governor communicated to M^r^ Speaker the following Message (Viz^t^)

Gentlemen of the Lower house of Assembly

In Answer to the Address you have this day been pleased to present to me, I must inform you, as I did the Gentlemen of the Upper house, that I am by the Kings Instruction required to pay Strict Obedience to the Statute, which was made in the Sixth year of the Reign of Queen Anne for Ascertaining the Rates of foreign Coins in these

L. H. J. Liber No. 52 Nov. 4 Plantations, & that as I find by several Cautions which have been given me Since I assented to a Continuance of the Inspection Law, that the Clause inserted therein relative to the Regulation of Coin hath been deemed at home repugnant to the above mentioned Act of Parliament, & that was I to Assent hereafter to any Act rating the Coins Specified in that Statute higher than they are thereby rated I Should run the greatest Risk of incurring both his Majestys & the Lord Proprietary's Displeasure

p. 161 I cannot venture to Assent to a farther Continuance of the Inspection Law, however useful and advantageous for the Province I may think the other parts of it, unless that particular Clause be altogether left out or altered in some manner or other, to Obviate the Objection that has been made to it. Hor.° Sharpe.

Annapolis the 4th Novr 1763

Which was Read the first time, & Ordered to lye on the Table,

On Motion the Consideration of the Governor Message on the 2,d Reading was referred to the Morrow Morning at the Sitting of the house,

B. Calvert Esqr from the Upper house, delivers to Mr Speaker a petition of the Subscribing Inhabitants of Frederick County, Indd By the Upper house of Assembly Referred to the Consideration of the Lower house of Assembly, which petition was here read the first time, & Ordered to lye on the Table,

Mr Ringgold brings in & delivers to Mr Speaker, a Bill Ent.d an Act. of divorcement declaring the Marriage of John Stone Hawkins with Elizabeth Skinner, utterly void, which was Read the first time & Ordered to lye on the Table

On Motion, the question was put that the Bill Ent.d an Act of divorcement declaring the Marriage of John Stone Hawkins with Elizabeth Skinner utterly void be Referred to the Consideration of Next Assembly,

Resolved in the Affirmative

The house Adjourns till the Morrow Morning at 9, of the Clock

Nov. 5 Saturday Morning 5.th Nov,r 1763

The house met according to Adjournment &c.[a]

On reading the Message from the Upper house of yesterday, by John Ridout, Esqr the question was put that this house do agree to the Alteration proposed therein of leaving out the Representatives from Joining with the Justices relative to the Ordering repairs necessary to be made to the Several Inspection houses. Resolved in the Affirmative

On Motion, the Question was put, that this house do agree to the Alteration proposed by the Upper house in the said Message, relative to the charge to be given by the Provincial & County Courts to the Grand Jury's to enquire into the Several breaches of the Inspection Law Resolved in the Affirmative. L. H. J. Liber No. 52 Nov. 5

The house having taken into Consideration the whole of the said Message from the Upper house Ordered, that a Message be prepared and Sent in Answer thereto; and that M.r J. Hall Mr Johnson M.r J. Tilghman Col.o Tilghman Mr Murdock Mr Dulany Doctor Steuart M.r Ringgold & Mr Beall do prepare & bring in a Message accordingly. p. 162

His Excellency the Govr communicated to Mr Speaker the following Message (Vizt)

Gentlemen of the Lower house of Assembly

Mr Cresap one of your Members for Frederick County, having represented to me Since the last Session of Assembly & before the Indians recommenced hostilities against these Colonies, that parties of the Six Nations who were then considered as Friends, frequently called at his house on their Excursions to the Southward, & insisted on his Supplying them with Provisions & Other Necessaries, by advice of the Council I recommended it to him to furnish such parties with the provisions he Should think necessary for them, and encouraged him at the same time to expect, that, as his doing so was the only way to prevent their Committing Depredations on the Frontier Inhabitants, reasonable Satisfaction would be made him for such Provisions at the next meeting of the Assembly: if therefore he shall exhibit a proper Acc.t to Shew what Expence he has been necessarily put to by such Parties of Indians calling at his house. I hope you will think it incumbent on you to take the same into Consideration & to provide for his Reimbursement Hor.o Sharpe

Annapolis the 5th Nov.r 1763

Which was read & Ordered to lye on the Table

Mr Gantt Mr Grahame Mr Beall & Mr Hanson have leave of Absence till Monday

The house Adjourns till 2, of the Clock

Post Meridiem

The house Met according to Adjournment &c.[a]

The Bill Ent.d an Act for the Security of purchasers & others being Protestants claiming by or from Aliens, and the Bill Ent.d a Supplementary act to the Act Ent.d An Act for emitting & making Current 90000,lb Current Money of Maryland, in Bills of Credit, were Sent to the Upper house by Mr Key & M.r J. Adams

L. H. J. Liber No. 52 Nov. 5 p. 163 An Ingrossed Bill, Ent,[d] an Act to impower John Paca, Robert Adair Moses Hill & Margaret his Wife to Sell and dispose of the Lands therein mentioned, late the lands of William Hammond of Baltimore County, deceased for the payment of the debts of the said William Hammond, was Read and Assented to, and Sent to the Upper house with the paper Bill thereof by Mr Worthington & Mr Nathan Baker

The house Adjourns till Monday Morning at 9, of the Clock

Nov. 7 Monday Morning 7,th Nov.r 1763.

The house met according to Adjournment, the Members were called and all appeared as on Saturday except Mr J. Tilghman.

The proceedings were Read.

The house Adjourns till 2, of the Clock

Post Meridiem

The house met according to Adjournment &c,[a]

The house Adjourns till the Morrow Morning at 9, of the Clock

Nov. 8 Tuesday Morning 8th Nov,r 1763

The house Met according to Adjournment &c,[a]

Col,o Cresap hath Leave of Absence,

M.r Johnson from the Committee appointed brings in and delivers to Mr Speaker the following Message (Vizt)

By the Lower House of Assembly Nov.r 8, 1763

May it please your Honours

We doubt not but that the Justices are Sufficiently qualifyed to do the Duty, in the discharge of which we proposed to join with them the Gentlemen who are Representatives of each County, but if their former Transactions might be admitted in our Conjectures as to the future, we coud not but be Apprehensive that the People wou'd Still Suffer, as we know they have a Long time done, and now do in most places, for want of Warehouse Room, Wharfs, Cranes, & Other Conveniencies, requisite by Law & for which they are annually taxed

We did not assert, that the people in General loudly complained of the Illegal Exaction of Officers, but that we know their Complaints to be many and loud with regard to the Illegal Charges of p. 164 fees by Officers, and this we do Still assert, and know they are far from being devoid of Reasonable Grounds and that they have not flow'd from Ignorance, or been excited by misrepresentation

That an Officer may at present be punished by Law for an Illegal Exaction we are not Ignorant, but from a Love of quiet and Ease in some, tenderness in others, and Ignorance and Inability in many more to remedy themselves, the Cause of Complaint Still Subsists. L. H. J. Liber No. 52 Nov. 8

We Cannot See how it can be inferred from anything we have proposed or said, that we think the Officers deserve generally to be branded, and we must express our Surprise that your Honours Should insinuate, that an Inquiry by the Country into the Conduct of an Officer, whose probity & humanity is equal to that of any Other Gentleman in this Province, would be harrasing him to humour Ignorance & Credulity, gratify Envy, or appease the Malevolence of Enmity, such Sentiments and Expressions we do not think Applicable to the Conduct of the People of this Province, and we wish were Omitted in the Political Discussions between the branches of the Legislature the Characters of Probity and humanity would Shine the Brighter after every Inquiry, & if there should be any Contrary Characters, they would only be exhibited in the light they ought to be View'd in.

However, as you disagree to the first of these two last propositions, and reject the Other, we shall Contend no more about them at present but leave it to time to evince the Expediency of adopting them hereafter, 'to the total Change of the Species, in which the expences of executing the Law, and the Money payments under it, are ascertained, which is now the only matter of difference between the two houses, We cannot Consent. Dollars notoriously pass in New York and Pensylvania, with which we have Considerable Commercial Connections at Seven Shillings and Sixpence and upwards, and foreign Gold at or above the Rates mentioned in our Inspection Law; & in Virginia Dollars pass higher than the Statute regulation Contracting Parties here for Several years past have mutually understood, that Gold & Silver at those rates Should be paid in discharge of their Contracts, unless a different Species or rate hath been Stipulated: on this Bottom Subsisting debts generally now Stand, occasioned principally by the Inspection Law Regulation of Coin, and whilst we see the extensive Influence of that Regulation, we are apprehensive that a different Regulation will have the like effect, by drawing after it General Contracts, and a disadvantageous Change of those already made into the Inspection Law Species; a ruinous Consequence should it be into Sterling besides, the Spirit and design of the Statute, we are apprehensive will be frustrated by the Effects of your proposition for the above mentioned Colonies will draw the Specie from hence by its higher Denomination there for these reasons, and as the Statute makes no mention of Gold, we propose, in the framing a New Inspection Law, to regulate foreign Gold as it now Stands in the Old, Ascertaining the Charges of executing the Law in Currency and Sterling, and giving the payer of any of the Inspection Expences, Publick and County levies, Clergys Allowance, Lawyers & Officers p. 165

L. H. J. Liber No. 52 Nov. 8 fees, and Other payments under the Inspection Law, of money instead of Tobacco an alternative in paying in Current money or regulated Gold or Sterling money payments in Sterling for Tobacco to be as you proposed, at Seven Shillings and Sixpence Per Cent, and as a Sufficiency of Sterling Specie cannot be had, a Clause to be inserted, to make the Species of Silver mentioned in the Statute of Anne legal in payments, & Tenders of Sterling payable by the Act at their Statute etsimated Sterling Values. as this will not in any wise Contravene the Statute, will in some measure secure our Commercial Transactions on their true Bases, prevent our Neighbours from drawing our Specie from us and render us Secure against Inconveniencies inevitably attendant on an Increase of our Sterling Engagements, we hope for your Honours ready Concurrence to this proposition that we may Speedily frame a Law so desirable to every degree of People in this Province from its Confessed general Utility.

Signed ꝑ Order M. Macnemara Cl. Lo. ho.

Was Sent to the Upper house by M^{r} Murdock & M^{r} Johnson.

The house Adjourns till 2, of the Clock

Post Meridiem

The house met according to Adojurnment &c.[a]

The Bill Ent^{d} an Act for the more effectual Securing Orphans Estates

The Bill Ent.^{d} ~~a~~ Supplementary Act to the Act Ent.^{d} An Act relating to the Standard of English weights & Measures,

And the Bill Ent^{d} an Additional Supplementary Act to the Act Ent^{d} an Act for quieting of possessions Enrolling Conveyances & Securing the Estates of purchasers were Severally read the 2^{d} time & will pass & were sent to the Upper house by M^{r} Gantt and Major Waring

p. 166 A Bill Ent,^{d} an Act to Oblige persons who Officiate as Clerks or Writers in the Publick Offices to take the Oaths to the Government and for the better Securing the Publick Records. were read the first time and Ordered to lye on the Table

Benedict Calvert Esq^{r} from the Upper house delivers to M^{r} Speaker the following Message (Viz^{t})

By the Upper house of Assembly Nov^{r} the 8,th 1763

Gentlemen

The Impracticability of retaining, in the proposed Bill, the Regulation of money inserted in the present Inspection Law [*The message which begins thus is printed in full in the Upper House journal pp. 250-251*]

p. 167 The house taking into consideration, the amendments proposed by the Upper house to the bill Ent,^{d} an Act for the advancement of

Justice, doth agree to all, except the first 2.^{d} and last; and Ordered that a Message be prepared & Sent to the Upper house on the Subject matter of those amendments; and that M.^{r} Ringgold M^{r} Johnson and M^{r} J. Hall do prepare & bring in the Same. L. H. J. Liber No. 52 Nov. 8

The house Adjourns till the Morrow Morning at 9, of the Clock

Wednesday 9,th Nov.^{r} 1763, Nov. 9

The house met according to Adjournment &c.[a]

On Consideration of the Message of yesterday afternoon from the Upper House by Benedict Calvert Esq.^{r} the question was put that this house do agree to confer with such Members as shall be appointed by the Upper house on the Subject matter, contained in the Said Message.

Resolved in the Affirmative

The house appointed M^{r} Murdock, M.^{r} Ringgold, M^{r} Grahame M^{r} Allen M.^{r} Hall, M^{r} Johnson, M^{r} Key & M^{r} Hanson Conferees from this house; & Ordered that a Message be fortwith prepared & Sent to the Upper House to acquaint their Honours therewith.

The following Message

By the Lower house of Assembly 9.th Nov,^{r} 1763.

May it please your Honours.

In Answer to your Message of yetserday by Ben.^{ct} Calvert Esq.^{r} this house doth agree to Confer with your honours on the Subject Matter therein proposed; and in Order thereto hath appointed M^{r} Murdock M^{r} Ringgold M^{r} Grahame M^{r} Allen M^{r} J. Hall M^{r} Johnson M^{r} Key, & M^{r} Hanson as Conferees from this house who will be ready to join such Members as shall be appointed by your House for that purpose.

Signed ꝑ Order M. Macenmara Cl. Lo. ho.

Was Sent to the Upper house by M^{r} Ringgold & M^{r} Grahame

J. Ridout Esq.^{r} from the Upper house delivers to M^{r} Speaker the following Message (Viz^{t})

By the Upper house of Assembly 9, Nov.^{r} 1763.

Gentlemen

This house hath named Daniel Dulany Jo.^{n} Ridout & Philip Key Esq.^{rs} to Confer with the Members appointed by your house in your Message of this day by Mess^{s} Ringgold & Graham,

Signed ꝑ Order J. Ross Cl. Up. Ho.

The house Adjourns till 2, of Clock p. 168

L. H. J.
Liber No. 52
Nov. 9

Post Meridiem

The house met according to Adjournment &c,[a]

Mr John Hammond Dorsey app.d in the house,

The Bill Ent.d An Act for the erecting a Town at the head of Wiccocomico river in Somerset County for laying into Lots fifty Acres of Land in the forks thereof and at the Landing formerly called Handy's or Carrs Landing was read the 2,d time and will pass and with the Bill Ent.d An Act for advancement of Justice, were Sent to the Upper house with the following Message (Vizt)

By the Lower House of Assembly Nov.r 9,th 1763

May it please your Honours

We herewith return you the Bill Ent.d An Act for the advancement of Justice, and on due Consideration of your proposed Amendments have agreed to all but the first & Second and the last as Consequent to the Second

Your first amendment tis true would reduce the Speedy Trial Clause in the Bill to the Same as it Stood formerly in the Act passed in 1723 but on the Laws being reenacted in 1753, that Clause was totally Omitted from an Opinion we Suppose in the then Legislature that Defendants Could not be ready to make a real Defence when they had any, the first Court and as we are desirous on the one hand to prevent unnecessary delays to honest Creditors so on the other we are fearfull of forcing a Defendant to Tryal so Speedily after Notice that he cannot reasonably be presumed to be fully prepared, We therefore frame this Bill in such a manner as we thought would probably take away all Cause of Just Complaint from both partys nor do we yet believe but that the Bill Lays down the best General Rule by which to Deal out Common Justice, for the Instances are very rare where Defendants know enough of the Law to foresee the probable points of their Causes and the necessary proofs to be adduced before they Advise with some Gentleman of the Law which either from their living remote, or some other Circumstance they Seldom do before the Court to which the Writ is returnable, If your honours on reviewing this Matter should see it in the same light that we do, we doubt not you will recede from your first Amendment

We find by An Act passed in 1715 the Chancery Court Cannot take Cognizance for any thing less than five Pounds One penny or p. 169 1201.lb Pounds of Tobacco this was in the Infancy of the Province and when, for any thing we find, there was no other Chancery Jurisdiction, from whence we conclude that a total loss of smaller Claims was thought more eligible than a Recovery of them in the high Court of Chancery and now by your 2.d proposed Amendment as the Chancery Court exclusive of any other Jurisdiction would take Cognizance of five Pounds one penny or 1201.lb pounds of Tobacco

L. H. J.
Liber No. 52
Nov. 9

and upwards we are apt to believe that many who might have equitable Claims for small Sums would form the like prudential Judgment and Acquiesce under frauds and wrongs rather than undergo the necessary attendance, Trouble, and Expence to Obtain Justice at so dear a rate

As therefore the Measures of redress would be more intollerable than the Injury, and thus Stinting the County Courts, Chancery Jurisdiction, would be withholding an adequate Remedy; We hope your Honours will Consent that, that part of our Bill shall Stand, by which a moderate Concurrent Jurisdiction will be Continued, and Justice administred near the homes of Contending parties, and that too, more Speedily and with much less Expence than in the high Court of Chancery, a Jurisdiction exercised for ten years past, approved from Experience, familiarized to the People, and on which the retaining many Equity Suits already begun in the County Courts now Depends

Signed ꝑ Order M. Macnemara Cl. Lo. Ho.

Was Sent to the Upper house by M^{r} Waters & M^{r} W^{m} Adams.

M^{r} Ringgold from the Conferees delivers M^{r} Speaker the following proposals (Viz^{t})

Maryland ss.^{t}
Nov.^{r} 9.th 1763

At a meeting of the Conferees appointed by both houses of Assembly

were present.

The Hon.^{bl} Daniel Dulany Esq^{r}
The Hon.^{ble} John Ridout Esq^{r} of the Upper house
The Hon.^{ble} Philip Key Esq^{r}

M^{r} Murdock M^{r} Allen
M^{r} Graham M^{r} Hanson
M^{r} Johnson M.^{r} Key of the Lower House
M.^{r} Hall M^{r} Ringgold

p. 170

The honble Daniel Dulany Esq.^{r} chosen Chairman and Robert Couden their Clerk.

Whereupon It was proposed by the Conferrees of the Upper house that the Salarys of the Inspectors, and all charges attending Inspection be Settled in Tobacco; from money at 12/6^{s} ꝑ Cent, and then the same be payable in the following Species of mony Viz^{t}

	lb
Joannes's to pay	920
half Joannes	460
Moydores	348
English Guineas	272
french Guineas	268

L. H. J.
Liber No. 52
Nov. 9

Spanish pistoles not Lighter than 4 penny w.^{t} 6 Gr^{s}	216
french Milled pistoles	212
Arabian Chequins	108
Other Gold coin (German excepted) by the penny weight	50
french Silver Coins	60
Spanish Milled pieces of eight	60
Other good Spanish Silver for each Ounce	68

Those who may discharge Tobacco with mony by the present Inspection Law, in every case may discharge Tob.° in any of the above Species of Mony, according to the above rate or proportion.

Signed ꝑ Order Robert Couden Clk

On reading the 2.^{d} time the aforegoing proposals. the question was put, that the house agree therewith.

Resolved in the Affirmative

for the Affirmative

Key
Plater
J. Hall
Hynson
Ringgold
Wilmer
R.^{d} Loyd
Johnson
B Mackall
Gantt
Graham

Hanson
Dent
Stoddert
J. Adams
W. Adams
Waters
Edmunson
Thomas
Goldsborough
Sulivane
Ward

N. Baker
Murdock
Dulany
Steuart
E. Tilghman
Wright
Harris
Allen
Chaillé
Beattys
Magruder [33]

for the Negative

Worthington
Hammond
H. Hall

Smallwood
Dorsey
Bealle

Waring
Jacobs [8]

M^{r} Sulivane, M^{r} Chaillé M^{r} Waters & M^{r} Stoddert, have leave of Absence.

Col.° Loyd from the Upper house, delivers to M^{r} Speaker, the Bill Ent^{d} a Supplementary Act to an Act Ent.^{d} An Act for erecting p. 171 a County School in Worcester County, and appointing Visitors for the same (Ind,^{d}) By the Upper house of Assembly 3,^{d} Nov.^{r} 1763. Read the first time & Ordered to lye on the Table & thus By the Upper house of Assembly 9.th Nov.^{r} 1763. Read the Second time & will pass

Signed ꝑ Order. J. Ross Cl. Up. Ho

Which bill was read here & passed for Ingrossing

M.r Ringgold from the Conferees brings in and delivers to Mr Speaker the following Report (Vizt) L. H. J. Liber No. 52 Nov. 9

Maryland sst
Novr 9,th 1763.

At a meeting of the Conferees appointed by the both Houses of Assembly

were present

The hon.ble Philip Key Esqr
The hon.ble Daniel Dulany Esqr } of the Upper house
The hon.ble John Ridout Esqr

Mr Murdock Mr Allen
M.r Graham Mr Hanson } of the Lower house
Mr Johnson Mr Key
M.r Hall Mr Ringgold

The hon,ble Daniel Dulany Esq.r chosen Chairman & Robert Couden their Clerk

Whereupon it was proposed by the Conferees of the Upper house that the Salaries of the Inspectors and all Charges attending Inspection be Settled in Tobacco from money at 12/6 ℘ Cent, and then the same be payable in the following Species of Money (Vizt)

	lb
Joannes's to pay	920
half Joannes's	460
Moydores	348
English Guineas	272
french Guineas	268
Spanish pistoles not lighter than 4. penny W.t 6 Grains	216
french Milled Pistoles	212
Arabian Chequins	108
Other Gold Coins (German Excepted) by the penny weight	50
french Silver Crowns	60
Spanish Milled peices of Eight	60
Other good Spanish Silver for each Ounce	68

Those who may discharge Tobacco with Money by the present Inspection Law, in every Case, may discharge Tobacco in any of the Above Species of Money, according to the Above rate or proportion

Which proposition was received by the Conferrees of the Lower house in Order to Report and lay it before their House, the Conference thereupon adjourned.

The Conferees met again according to Adjournment, and the Conferees of the Lower house acquaint the Conferees of the Upper p. 172

L. H. J. Liber No. 52 Nov. 9 house, that the Above proposition having been reported to and lay'd before their [House] the same hath been agreed to, Whereupon the Conference Ends.

Signed ꝑ. Order Robert Couden Cłk.

Which being read the first and Second time the house concurs therewith and on Motion Ordered that M^{r} Murdock M^{r} Ringgold M^{r} Graham M.^{r} Allen M^{r} J. Hall M^{r} Johnson M^{r} Key M^{r} Hanson Col.^{o} Tilghman M^{r} Wright Col.^{o} Loyd and M^{r} Dulany do prepare & bring in a Bill for the Inspection of Tobacco

The house Adjourns till the Morrow Morning at 9, of the Clock

Nov. 10

Thursday Morning 10,th Nov^{r} 1763.

The house met according to Adjournment. the Members were called and all appeared as yesterday except M^{r} Stoddert & M^{r} Chaillé

The proceedings were read

M.^{r} J. Adams has leave of Absence

M.^{r} Goldsborough has leave of Absence

M.^{r} Edmunson has leave of absence

Major Waring has leave of Absence till next Tuesday.

On Motion of Col.^{o} Tilghman leave is given to bring in a Bill for the Equitable payment of debts due in money.

Ordered that Col^{o} Tilghman M^{r} Ringgold and M.^{r} Allen do prepare and bring in a bill accordingly

The Order of the day being read the petition of George Bealle of George Town in Frederick County was read & on Consideration thereof the question was put that the same be rejected.

Resolved in the Affirmative

The house Adjourns till 2, of the Clock Afternoon

Post Meridiem

The house met according to Adjournment &c.[a]

Daniel Dulany Esq.^{r} from the Upper house delivers to M^{r} Speaker the Bill Ent^{d} An Act for the Speedy recovery of small debts out of Court before One Justice of the peace Ind^{d} By the Upper house of Assembly 10.th Nov^{r} 1763.

Read the Second time and with the following Amendments will pass, in 4.th line of the last page after the Word plea, insert the following Words Viz.^{t} in the said Courts, after the Word Void, in
p. 173 the 11th Line of the same page insert the following provisoes, provided always that in Case either Plaintiff or Defendant shall him or herself aggrieved by the Determination of any Magistrate where

the sum shall exceed thirty three Shillings and four pence or four hundred pounds of Tobacco he or She shall be at liberty to Appeal to the next County Court before the Justices thereof who are hereby upon the petition of the Appellant in a Summary Way to hear the Allegations and proofs of both parties and determine upon the same according to the Equity and Right of the matter the same Court in which the said petition shall be exhibited without any further Continuance or Delay unless it Shall appear to the Satisfaction of the said Court that further time ought to be given to the Party applying for the same to enable the Court to determine the Cause according to the Equity & Right of the Matter provided after & be it further Enacted that no Execution upon any Judgment to be rendered by any Justice shall be Stayed or delayed or any Supersedeas upon such Judgement granted upon any appeal unless the person appealing or some Other on his or her behalf shall immediately upon making Such appeal enter into Bond with Sufficient Sureties such as the Justice by whom Judgment shall be given shall approve of in double the Sum recovered with Condition that if the party appealing shall prosecute his Appeal at the next County Court with Effect according to the Directions of the Act Entituled an Act for the Speedy Recovery of small debts out of Court before one Justice of the Peace, and also pay and Satisfy the Party in whose behalf the Judgment of the Justice shall be given his Exe.^rs Administrators or Assigns in Case the said Judgment shall be Affirmed as well the Debt Damage and Cost adjudged by the Justice from whose Judgment such appeal shall be made as also all Costs and Damage that shall be awarded by the Court before whom such appeal shall be heard tried and determined then the said Bond to be and remain in full force and Virtue otherwise to be of none Effect

L. H. J.
Liber No. 52
Nov. 10

Signed ꝑ Order. J. Ross. Cl. Up. ho.

B. Calvert Esq.^r from the Upper house delivers to M^r Speaker the petition of the Magistrates of Charles County, and the petition of the proprietors & principal Inhabitants of Charles Town, in Charles County, Severally Ind,^d Read & referred to the consideration of the Lower house of Assembly, which petitions were Sev.^lly read here & Ordered to lye on the Table.

The house Adjourns till the Morrow Morning at 9, of the Clock

Friday Morning 11^th Nov^r 1763.

Nov. 11

The house met according to Adjournment. the Members were called and all appeared as yesterday except M^r Edmunson M^r Sulivane Major Warring Col.^o Cresap and M.^r B Mackall.

p. 174

L. H. J. Liber No. 52 Nov. 11 The proceedings were Read

Cap^t Chapline Appeared in the house

M.^r Benton Harris brings in and delivers to M^r Speaker an Ingrossed bill, Ent.^d a Supplementary Act to an Act Ent.^d An Act for erecting a County School in Worcester County, and appointing Visitors for the same which was Read & assented to, & Sent to the Upper house with the Paper Bill, by M^r Magruder and M^r Ward.

Col.^o Tilghman brings in and delivers to M^r Speaker a Bill Ent.^d An Act for preventing the Importation of German & french papists & popish priests &c.^a

The house Adjourns till 2, of the Clock

Post Meridiem.

The house met according to Adjournment &c.^a

The house proceeded to tax the Bill, Ent,^d an Act to Impower John Paca Rob.^t Adair Moses Hill & Margaret his Wife to Sell and dispose of the Lands therein mentioned late the Lands of William Hammond of Baltimore County deceased for the payment of the debts of the said William Hammond

To the Hon.^bl Speaker.......	£4..0..0
To the Clerk...............	2..0..0

Richard Lee Esq.^r from the Upper house, delivers to M^r Speaker a petition of George Maxwell, of Charles County (Ind.^d) By the Upper house of Assembly 11.^th Nov.^r 1763 Read and referred to the Consideration of the Lower house of Assembly, which was read here, and Ordered to lye on the Table

J. Ridout, Esq.^r from the Upper house, delivers to M^r Speaker the Bill, Ent.^d An Act for the advancement of Justice, and the following Message (Viz^t)

By the Upper house of Assembly 11^th Nov.^r 1763

Gentlemen.

In Answer to your Message of the 9.^th Instant, attending the Bill [*The message which begins thus is printed in full in the Upper House journal pp. 255-256*]

p. 175 Which was read and Ordered to lye on the Table

B. Calvert Esq.^r from the Upper house delivers to M^r Speaker a petition of the Rector Vestrymen and Church Wardens of the parish of S^t Margarets Westminster Ind^d By the Upper house of Assembly 11^th Nov^r 1763. Read and referred to the consideration of the Lower House of Assembly which petition was here read & Ordered to lye on the Table.

Richard Lee Esq.^r from the Upper house delivers to M.^r Speaker the Bill Ent^d an Act for the more effectual Securing of Orphans

Estates. Ind.d By the Upper House of Assembly 8.th Nov.r 1763. Read the Second time & will pass. L. H. J. Liber No. 52 Nov. 11

Signed ꝑ Order J. Ross. Cl. Up. Ho.

Which bill was here read & passed for Ingrossing

Mr Murdock brings in and delivers to Mr Speaker, a Bill, Ent,d an Act for amending the Staple of Tobacco, for preventing frauds in his Majestys Customs, and for the limitation of Officers fees which was read the first time, and Ordered to lye on the Table

The house Adjourns till the Morrow Morning at 8. of the Clock

Saturday Morning 12.th Nov.r 1763 Nov. 12

The house met according to Adjournment. the Members were Called and all appeared as Yesterday except Mr Goldsborough and Col.o Tilghman.

The proceedings were Read p. 176

Mr Henry Baker appeared in the house.

On Motion of Mr Ringgold, leave is given to bring in a Bill for the Adjournmt of Frederick County Court.

M.r Ringgold brings in and delivers to Mr Speaker, a Bill, Ent.d An Act for the Adjournment and continuance of ffederick County Court, which was read the first and Second time by an especial order, and will pass, and was Sent to the Upper house by M.r Key & Mr Hammond

J. Ridout Esq.r from the Upper house delivers to Mr Speaker the Bill Ent.d a Supplementary Act to the Act Ent.d an Act relating to the Standard of English Weights and measures (Indorsed) By the Upper house of Assembly 11.th Nov.r 1763.

Read the Second time and will pass, the forfeitures by the said Bill being Applyed in the following manner; one third part thereof to the Right Hon.ble the Lord Proprietary, his heirs and Successors, for the Support of Government; One third part to the Publick for defraying the County Charge, where the Offence shall be committed, and One third to the Informer.

Signed ꝑ Order J. Ross, Cl. Up. Ho

Richard Lee Esq.r from the Upper house delivers to Mr Speaker the Bill Ent.d An Act for the preservation of the breed of fish, in the rivers Susquehannah & Patomack (Indd) By the Uuuer House of Assembly 12th Nov.r 1763. Read the 2.d time and will pass, with the following amendments: Insert the word Patuxent in several parts of the Bill after Patomack and the forfietures for the said Bill being Applied in the following manner ⅓ part thereof to the R.t Hon.ble the Lord Proprietary for the Support of Government, ⅓ part

L. H. J. Liber No. 52 Nov. 12 thereof to his Lordships Governor for the time being, residing in this Province, and $\frac{1}{3}$ to the Informer.

Signed ꝑ Order J. Ross Cl. Up. Ho.

And the Bill, Ent,^{d} a Supplementary Act to the Act Ent.^{d} an Act, for emitting and and making Current £90000 Current Money of Maryland in bills of Credit &c.^{a} Ind.^{d} By the Upper house of Assembly 12th Nov^{r} 1763. Read the Second time & will pass with the following Amendments: leave out the words that follow the word same in the last line, except one of the first page, to the Word are in the third line of the Second page, and insert the following Words, that the Several Naval Officers shall, before the Sixth day of October, in the year of Lord one thousand seven hundred & Sixty four, pay into the hands of the Commissioners or Trustees, for emitting Bills of Credit, in this Province good bills of Exchange upon London, payable at thirty Days Sight, for the Amount of the Duty of 15.^{d} ꝑ hogsh.^{d}, which they shall respectively receive for Tob.^{o} that shall be exported after the first day of December next, instead of remitting such bills of Exchange to the Trustees in London as was directed by the above recited Act, and the said Commissioners or Trustees for emitting the
p. 177 Bills of Credit Established by Act of Assembly.

Signed ꝑ Order. J. Ross. Cl. Up. Ho.

The Bill Ent.^{d} An Act for amending the Staple of Tob.^{o} for preventing frauds in his Majestys Customs and for the limitation of Officers fees was read the 2.^{d} time by an especial Order and will pass, and was Sent to the Upper house by M^{r} Murdock and eleven more.

The house Adjourns till 2, of the Clock

Post Meridiem

The house met according to Adojurnment &c.^{a}

M^{r} Henry Hall and M^{r} Gantt have leave of Absence.

The house Adjourned till Monday Morning at 9, of the Clock

Nov. 14 Monday 14th Nov.^{r} 1763.

The house met according to Adjournment. the Members were called and all appeared as on Saturday except M^{r} J. Adams M^{r} Murdock M^{r} Waters M^{r} Hammond M.^{r} H. Hall and M^{r} Wilmer.

The proceedings were Read.

J. Ridout Esq.^{r} from the Upper house delivers to M^{r} Speaker, the Bill Ent^{d} An Act for the Adjournment, and Continuance of ffrederick County Court. Ind^{d} By the Upper house of Assembly 12th Nov.^{r} 1763. Read the first & Second time by especial Order & will pass.

Signed ꝑ Order, J, Ross Cl, Up. Ho,

Which bill was read here and passed for Ingrossing. L. H. J. Liber No. 52 Nov. 14

An Ingrossed Bill Ent.[d] An Act for the Adjournment & continuance of ffrederick County Court. was Read and Assented to & Sent to the Upper house with the paper Bill by Capt Chapline & M. Beattys.

The house Adjourns till 2. of the Clock Afternoon

Post Meridiem.

The house met according to Adjournment &c.[a]

The house Adjourns till the Morrow Morning at 9, of the Clock.

Tuesday Morning 15.th Nov.r 1763 Nov. 15

The house Met according to Adjournment, the Members were called and all appeared as yesterday except Mr Worthington and Mr Ward.

The proceedings were read

Col.o Tilghman M.r H. Hall, & Major Warring appeared in the house

A petition of Nathan Baker, of Cæcil County Ex.r and residuary Legatee of Jethro Brown, was read the first time and Ordered to lye on the Table. p. 178

On Motion Ordered, that Mr Gantt and Mr H. Baker do tax the fees to the Clerk and Serjeant, attending this house, for Several Services by them done, by order of the house, and make Report thereof.

The Report from the Committee appointed to inspect the Arms and Ammunition and Accounts. relating thereto, was read the 2d time, and the house concurs therewith, and Ordered, that an Address be prepared to the Governor, representing the Grievance therein set forth.

Ordered that Col.o Tilghman Mr Ringgold, and Mr Hall, do prepare an Address relative to the said Report and bring in the same.

The petition of the Rector Vestrymen, & Church wardens of S.t Margaret Westminster Parish, on the North side of Severn, was read the 2.d time, and Granted;

Ordered that Mr Ringgold Mr Dulany, and Mr Key, do prepare and Bring in a Bill according to prayer.

A Bill Ent.[d] An Act empowering Richard Richardson, of ffrederick County to Sell and dispose of the lands which belonged to Richard Richardson, his deceased father, and to apply the Money arising therefrom to the Uses of his said fathers will, was read the first time, and Ordered to lye on the Table.

L. H. J. Liber No. 52 Nov. 15 J. Ridout Esq.^{r} from the Upper house delivers to M^{r} Speaker the Bill Ent^{d} an Act for the amendment of the Staple of Tobacco for the preventing frauds in his Majestys Customs and for the limitation of Officers fees (Ind^{d}) By the Upper house of Assembly 15th Nov.^{r} 1763. Read the Second time and will pass.

Signed ꝑ Order J. Ross, Cl. Up. Ho

Which bill was read and passed for Ingrossing.

M^{r} Ringgold brings in and delivers to M^{r} Speaker a bill Ent,^{d} An Act for the more easy foreclosure of M.^{t}gages, which was read the first time, and Ordered to lye on the Table

The house Adjourns till 2, of the Clock Afternoon.

Post Meridiem.

The house met according to Adjournment &c.^{a}

A Bill Ent.^{d} An Act for the better regulating of Attachments, was read the first time and Ord.^{d} to lye on the Table

The house adjourns till the Morrow Morning at 9, of the Clock

Nov. 16 Wednesday Morning 16.th Nov^{r} 1763

The house Met according to Adjournment &c^{a}

The Bill Ent.^{d} An Act to Oblige persons who Officiate as Clerks or Writers in the Publick Offices, to take the Oaths to the Government and for better Securing the Publick Records was read the 2.^{d} time & will pass

p. 179 The Bill Ent.^{d} An Act for regulating Attachments, was read and Committed for Amendments.

M^{r} Henry Steele, elected to Serve in this present general Assembly, by the free Voters of Dorchester County, appeared in the house, Orderd that M^{r} Ringgold and M^{r} Allen do go with that Gentleman to the Upper house to See him there qualified. they return and acquaint M.^{r} Speaker, they saw M^{r} Steele take the Several Oaths to the Government required by Law. Subscribe the Oath of Abjuration repeat & Sign the Test.

The Gentleman took his Seat in the house.

The house Adjourns till 2, of the Clock

Post Meridiem

The house Met according to Adjournment &c^{a}

B: Calvert Esq.^{r} from the Upper house, delivers to M^{r} Speaker, the Bill Ent.^{d} An Act for raising 4,^{d} Sterling for every hogshead of Tob.^{o} exported out of this province for the Support of an Agent in London, for the Service of this Province, And the Bill, Ent,^{d} An

Act for the tryal of all matters of fact in the Several Countys where they have arisen or Shall arise: Severally Ind^{d} By the Upper house of Assembly Read the Second time, and will not pass, L. H. J. Liber No. 52 Nov. 16

Signed ℘ Order J. Ross, Cl. Up. Ho.

J. Ridout Esq.^{r} from the Upper House delivers to M^{r} Speaker, the Bill Ent.^{d} An Act for the erecting a Town at the head of Wiccocomico river in Somerset County for laying into Lots fifty acres of Land in the fork thereof &c,^{a} Ind^{d} By the Upper house of Assembly 11.th Nov.^{r} 1763, Read the Second time, and will not pass

Signed ℘ Order, J. Ross, Cl. Up. ho.

The Bill Ent,^{d} an Additional Supplementary Act to the Act, Ent.^{d} An Act for quieting possessions, Enrolling Conveyances and Securing the Estates of purchasers Ind.^{d} By the Upper house of Assembly 16.th Nov^{r} 1763, Read the 2.^{d} time & will pass, with the Amendment after the Words some and, in the 2^{d} Line of 2^{d} page, insert these Words the Alienation fine being Satisfied.

Signed ℘ Order J. Ross Cl. Up. ho

And the Bill, Ent,^{d} An Act for the Security of purchasers and Others being Protestants, claiming by or from Aliens (Ind^{d}) By the Upper house of Assembly 16 Nov.^{r} 1763, Read the Second time and will not pass,

Signed ℘ Order J. Ross Cl. Up. Ho

The house Adjourns till the Morrow Morning at 9, of the Clock

Thursday Morning 17.th Nov.^{r} 1763, Nov. 17

The house met according to Adjournment &c.^{a}

M.^{r} Ringgold brings in and delivers to M^{r} Speaker, a Bill Ent^{d} An Act to enable the Vestrymen and Church Wardens of the parish of S^{t} Margarets Westminster in Ann.^{ll} Co,^{ty} &c.^{a} which was read the first time & Ordered to lye on the Table

M^{r} Ringgold Brings in and delivers to M^{r} Speaker, an Ingrossed bill Ent.^{d} an Act for amending the Staple of Tobacco for preventing frauds in his Majestys Customs and for the limitation of Officers fees which was read and assented to, p. 180

The bill Ent.^{d} An Act for the better regulating Attachments, was read the 2,^{d} time and will pass.

The Bill, Ent.^{d} An Act empowering Richard Richardson of ffrederick County, to Sell and dispose of the Lands which belonged to Richard Richardson his deceased father, and to apply the Money

L. H. J. Liber No. 52 Nov. 17 arising therefrom to the Uses of his Said fathers will was read the 2,[d] time and will pass.

The house Adjourns till 2, of the Clock

Post Meridiem

The house met according to Adjournment &c.[a]

The Bill Ent.[d] An Act to enable the Vestrymen & Churchwardens of S.[t] Margaret Westminster Parish, &c,[a] was read the 2, time by an especial Order and will pass

The Bill Ent.[d] an Act for the foreclosure of Mortgages, was read the 2,[d] time and will not pass.

The Bill Ent.[d] An Act for the preservation of the Breed of fish in Susquehannah river, &c.[a] was read, with the Amendments proposed by the upper house thereto, with which Amendments this house doth not Concur.

The Bill, Entituled, A Supplementary Act to the Act, Ent,[d] an Act relating to the Standard of English weights and Measures, was read with the Amendments proposed by the Upper house thereto, with which amendments this house doth not concur

The Bill Ent,[d] an Supplementary Act to the Act, Ent,[d] an Act for emitting and making Current £90000 Current Money of Maryland in Bills of Credit, was read with the Amendments proposed by the Upper house and passed for Ingrossing

A petition of the Inhabitants of Charles Town in Charles County, to prohibit the raising of Swine & Geese in Said Town, was read and granted, and leave given to bring in a Bill accordingly to prayer

M[r] Ringgold brings in and delivers to M[r] Speaker An Ingrossed Bill, Ent[d] an Act for the more effectual Securing of Orphans estates: which was read & Assented to

The petition of Nathan Baker of Cæcil County, Ex.[r] and residuary Legatee of Jethro Brown deceased, was read & referred to the Consideration of Next Assembly and Ordered to be heard on Wednesday in the 2[d] Week of the Session af.[d] and that all partys concerned have notice given them by the petitioner.

p. 181 M.[r] Ringgold brings in and delivers to M[r] Speaker, an Ing.[d] bill, Ent,[d] an Act to Confirm the Sales of certain Land lying in Eastern Neck, &c[a] which was read and Assented to,

M[r] Ringgold brings in and delivers to M[r] Speaker An Ingrossed Bill Ent.[d] An Act for the advancement of Justice; which was read and Assented to,

M.[r] Benton Harris hath Leave of Absence.

The house Adjourns till the Morrow Morning at 9, of Clock

Friday Morning 18,th Novr 1763

L. H. J.
Liber No. 52
Nov. 18

The house met according to Adjournment &c.[a]

The Article in the Governors Acc,t referring to the Acc.t of Doctor David Ross, for expences to the frontiers, is referred to the Consideration of the next Assembly, Doctor Ross Acc.t not appearing to the house.

Mr Hanson brings in and delivers to Mr Speaker a bill, Ent.d An Act to prohibit the raising of Swine and Geese in Charles Town, in Charles County, which was read the first & Second time by especial Order, and will pass, and was Sent to the Upper house by Mr Dent and Mr Smallwood.

Col.o Tilghman brings in and delivers to Mr Speaker, a Bill Ent,d an Act for imposing an Additional duty of £10 ℘ poll on all Negroes imported into this Province which was read the first time, and Ordered to lye on the Table,

An Ing.d bill, Ent,d an Act for amending the Staple of Tobacco for preventing frauds in his Majestys Customs and for the limitation of Officers fees, was Sent to the upper house, with the paper Bill thereof by Col.o Lloyd and Mr Plater,

The Bill Ent,d An Act to enable the Vestrymen & Church wardens of the Parish of St Margarets Westminster, in Annll County for the time being to Sell a tract of Land, therein mentioned and to Apply the produce money arising by Such Sale towards the purchase of another piece of Land to be made a Glebe for the Use of the Incumbent of that Parish and his Successors Ind.d By the Lower house of Assembly 17th Novr 1763. Read the first time, and ordered to lye on the Table, and thus By the Lower house of Assembly 17th Nov.r 1763 Read the 2d time by an Especial order, & will pass

The Bill, Ent.d An Act empowering Richard Richardson, of Frederick County to Sell and dispose of the Lands which belonged to Richard Richardson his deceased father, and to Apply the Money arising therefrom to the Use of his Said fathers will

The Bill Ent.d An Act to Oblige persons who Officiate as Clerks or Writers in the Publick Offices, to take the Oaths to the Government, & for better Securing the Publick Records, and the Bill Ent.d An Act for the better regulating Attachments. all which bills were Sent to the Upper house by Mr Thomas & Mr Jacobs.

The following Message (Vizt) p. 182

By the Lower house of Assembly Novr 18,th 1763

May it please your Honours.

It being now three Weeks Since we Sent you the Bill for establishing a College or Seminary of Learning, in this Province, we cannot doubt but your Honours have duly Considered it, and are come to some Resolution thereon if any Amendments to that Bill are by you

L. H. J. Liber No. 52 Nov. 18 thought Expedient, as the Session has already ran to a great Length, and the Approaching Season will become very disagreeable to our Sitting here, We hope you will Speedily propose them, that we may have time to Consider them We are the most urgent on this Occasion because Shoud not that Bill have passage, as the Regulation of Ordinaries will expire with the Close of this Session, We Shou'd think ourselves much wanting in our Duty to our Constituents Shoud we rise without using our Best Endeavours to Continue in some Shape or Other, that Regulation so useful & so necessary to the Province

Signed ꝑ Order M. Macnemara Cl. Lo. Ho.

Was Sent to the Upper house by M.r Ringgold & Mr Smallwood.

An Ing.d Bill Ent.d an Act for the More Effectual securing of Orphans estates

An Ing,d Bill Ent.d An Act to confirm the Sale of certain Land Lying in Eastern Neck Island in Kent County by Draper Lusby & ffrances his Wife Ex.t of John Hynson deceased to Matthew Bryan. And An Ing.d Bill Ent.d An Act for the advancement of Justice were Sent to the Upper house with the paper bills thereof by Doctor Steuart and Mr Magruder,

The following Message (Vizt)

By the Lower house of Assembly Novr 18, 1763

May it please your Honours,

We herewith Return you the Bill Ent.d an Act for the Speedy Recovery of Small Debts out of Court before one Justice of the Peace.

We agree to your first amendment but cannot agree to the provisoes you would have inserted for granting an Appeal to the County Courts in the full extent of your Amendment, as we apprehend it would in great measure defeat the Speedy recovery of Small Debts the main end of that Bill.

Yet we are willing to grant an Appeal in the Manner you have pointed out where the Debt exceeds thirty three Shillings & four pence Current Money or four hundred Pounds of Tobacco & hope for the Concurrence of your house to this, So just and reasonable a proposal.

Signed ꝑ Order M. Macnemara Cl. Lo. Ho.

p. 183 Was Sent with the Bill for the Speedy recovery of Small debts out of Court &ca to the Upper house by Mr Allen & Mr Steele.

The house Adjourns till 2, of the Clock

Post Meridiem

The house met according to Adjournment &c.a

Mr Bealle brings in and delivers to Mr Speaker a bill Ent.d An Act Impowering the Justices of Prince Georges and Charles County to levy on the taxable persons of S.t Johns commonly called King Geo: parish in the said County. the Sum of £56000 of Tobacco for the necessary enlargement of their parish Church which was read the first time and Ordered to lye on the Table

Mr Johnson brings in and delivers to Mr Speaker a Bill Ent.d an Act for laying out and erecting a Town at Elkridge Landing in Ann.le Cot.y which was read the first time & Ord.d to lye on the Table.

Mr Baker brings in and delivers to Mr Speaker the Report of fees due to the Clerk and Serjeant for Services done by Order of the house which was read the first & second time and the house Concurs therewith

Bened.t Calvert Esqr from the Upper house delivers to M.r Speaker the Bill Entd An Act for the Speedy Recovery of small debts out of Court before one Justice of the peace and the following Message (Vizt)

By the Upper house of Assembly 18.th Novr 1763.

Gentlemen

This house agrees to the Amendment proposed by you in your Message of this day to the Bill Ent.d An Act for the Speedy recovery of Small debts out of Court before one Justice of the Peace, and return the Bill that the same amendment may be inserted therein

Signed ꝑ Order, J. Ross Cl. Up. Ho.

Which Message and bill being read. Ordered that the said Amendment therein agreed to by the Upper house, be made which being done the said bill with the Amendments passed for Ingrossing.

On Motion Ordered that this house do not proceed on any new Business during this Session after this day.

On Motion leave given to bring in a Bill for the Adjournment of Prince Georges County Court.

Ordered that Mr Ringgold Col.o Loyd & Mr Graham do prepare and bring in the same.

The Bill Ent.d An Act for imposing an Add.l duty of ten pounds ꝑ poll on all Negroes imported into this Province was read the 2.d time and will pass.

A Bill Ent.d An Act impowering the Justices of Prince Georges and Charles Countys to levy on the taxable persons of S.t Johns parish &c.a £56000 of Tobacco for the necessary enlargement of the parish Church was read the first & Second time by especial Order and will pass. p. 184

The Bill Ent.d An Act for laying out and erecting a Town at Elkridge Landing in Annle County, was read the first time and Ordered to lye on the Table,

L. H. J. Liber No. 52 Nov. 18 Mr Ringgold brings in and delivers to Mr Speaker a Bill Ent.d An Act for the Adjournment of Prince Georges County Court which was read the first and second time by an especial Order and will pass.

The house Adjourns till the Morrow Morning at 9, of the Clock

Nov. 19 Saturday Morning 19.th Nov.r 1763.

The house met according to Adjournment. the Members were called and all appeared as yesterday except M.r Harris and Mr Allen. the proceedings were read

M.r Bealle brings in and delivers to Mr Speaker. a bill Ent an Act to continue the power of Sheriffs and Collectors Under the Act Entd An Act granting a Supply of 40000,lb for his Majestys Service and Striking 34015..lb6..0 thereof in Bills of Credit and raising a fund for sinking the Same in collecting and accounting for the Several Sums due in Virtue of that Act. which was read the first and second time by especial Order and will pass and was Sent to the Upper house by Mr Dulany & Mr Dorsey,

Mr Ringgold brings in and delivers to Mr Speaker a bill Entd An act for the equitable payment of mony debts which was read the first time and Ordered to lye on the Table

The Governor Communicated to Mr Speaker the following Message (Vizt)

Gentlemen of the Lower house of Assembly

Having received Letters last Night by Express from a Member of your House & Other persons who live in the Western part of Frederick County whereby they inform me that the Incursion of a party of Indians and Some Mischief they have lately done at a place called the Cove either within or very near this Province hath thrown our frontier Inhabitants into the greatest Consternation and that unless an Armed force be Speedily sent to their Relief, there is great reason to believe Numbers of them will desert their Habitations and the frontier Settlement again become a Scene of Distress & Desolation I think it incumbent on me to recommend their unhappy Condition to your Serious Consideration and am hopes you will immediately make such provision for their Relief and protection as might encourage them to remain on their Plantations and Secure them from the dreadful Calamities they have at present so much reason to Apprehend. p. 185

Hor.o Sharpe. 19.th Nov.r 1763.

Which was read the first time & Ordered to lye on the Table

J. Ridout Esq.r from the Upper house delivers to Mr Speaker a petition of the Inhabitants of the Upper End of St Margarets West-

L. H. J.
Liber No. 52
Nov. 19

minster Parish in Ann^{le} County praying to have a Chaple of ease where the Old one Stands &c.^{a} and also a petition from the Rector & the Subscribing Inhabitants of the upper End of all S.^{ts} Parish in ffrederick County beyond the South Mountain praying to have a Chapple of Ease between Ante Eatem and Conicocheague Severally Ind.^{d} By the Upper house of Assembly, read and referred to the Consideration of the Lower house of Assembly. which petitions were here read and Ordered to lye on the Table

The Bill Ent.^{d} An Act for the Adjournment of Prince Georges County Court the Bill Ent.^{d} An Act imposing an Additional duty of 10.^{lb} ꝑ poll on all Negroes imported into this Province and the Bill Ent.^{d} An Act empowering the Justices of Prince Georges and Charles Countys to tax &c.^{a} 56000^{lb} of Tobacco &c.^{a} were Sent to the upper house by M^{r} Bealle & M.^{r} Henry Hall.

Richard Lee Esq.^{r} from the Upper house delivers to M^{r} Speaker the Bill Ent.^{d} an Act to prohibit raising of Swine and Geese in Charles Town in Charles County the Bill Ent^{d} an Act to enable the Vestrymen & Church Wardens of the Parish of S^{t} Margarets Westminsters in Ann.^{le} County. &c.^{a} to Sell a Tract of Land therein mentioned &c.^{a} and the Bill Ent^{d} an Act empowering Richard Richardson of ffrederick County to Sell & dispose of the Lands which belonged to Richard Richardson his deceased father &c.^{a} Severally Indorsed By the Upper house of Assembly 19.th Nov^{r} 1763,

Read the Second time & will pass

Signed ꝑ Order. J. Ross Cl. Up. Ho.

Which bills were severally read here & passed for Ingrossing

The following Message Viz^{t}

By the Lower house of Assembly Nov^{r} 19, 1763

May it please your Honours

We have just received a Message from his Excellency together with several Letters he hath been pleased to lay before us in relation to an Incursion of the Indians into the Cove Settlement within or very near this Province

We are heartily desirous of making provision for the relief of the Back Inhabitants and think a further Engagement of the Ordinary Licence fund

Should your Honours reject the Bill now before you applying p. 186 that money one of the Best means in our power. But as we are in a State of uncertainty as to your Determination on the College Bill we are under a Necessity of repeating our yesterdays Application that you will Speedily inform us of your Resolutions thereon by which we may be enabled at Once to answer the Governors Message and the reasonable Expectations of the distressed People who call for Assistance.

Signed ꝑ Order M. Macnemara, Cl. Lo. Ho.

L. H. J. Liber No. 52 Nov. 19 Was Sent to the Upper house by M^{r} Hammond & M^{r} Johnson.

The house Adjourns till 2, of the Clock

Post Meridiem

The house met according to Adjournment &.^{ca}

Richard Lee Esq.^{r} from the Upper house delivers to M^{r} Speaker the following Message Viz^{t}

By the Upper house of Assembly Nov^{r} 19,th 1763

Gentlemen

Satisfied that the Establishment of a College or Seminary of Learning in this Province on a good Foundation wou'd be productive of many great advantages to the Inhabitants We are much pleased to find that you are also convinced of the Expediency of such an Establishment but being at the same time of Opinion that the Bill now sent us in many respects imperfect & very exceptionable & Apprehending that by your proposing Amendments to it at this time were you to enter into a full Consideration of them the Session might be protracted to an unreasonable length We declined returning you the Bill and Still wave it till the Affair can be maturely considered when we hope it will have an happy Issue and if you Apprehend that any great Inconveniencies are likely to arise in the mean time for want of an Act to regulate & preserve Order in Publick Houses within this Province a Short Bill for that purpose might be easily framed before the Conclusion of this Session.

Signed ꝑ Order. J. Ross, Cl. Up. Ho

The Bill Ent.^{d} An Act for preventing the Importation of German & french papists &c.^{a} was read the 2.^{d} time and will pass and was Sent to the Upper house by Col.^{o} Tilghman & Major Warring.

J. Ridout Esq^{r} from the Upper House delivers to M^{r} Speaker the Bill Ent.^{d} an Act for the Adjournment of Prince Georges County Court

And the Bill Ent.^{d} An Act empowering the justices of Prince Georges & Charles Co.^{tys} to levy on the taxable persons of S.^{t} Johns commonly called King Georges parish in the Said Countys 56000,^{lb} of Tobacco &c.^{a} Ind^{d} By the Upper house of Assembly 19th Nov^{r} 1763

Read the first and Second time by especial Order and will pass.

Signed ꝑ Order J. Ross Cl. Up. Ho

Which bills were Severally read here & passed for Ingrossing.

p. 187 M^{r} Ringgold brings in and delivers to M^{r} Speaker an Ingrossed Bill Ent.^{d} an Act to enable the Vestrymen and Church Wardens of the parish of S^{t} Margarets Westminster. &c.^{a}

An Ing.^{d} Bill Ent.^{d} an Act for the Speedy recovery of Small debts &c.^{a}

L. H. J. Liber No. 52 Nov. 19

And an Ing.^{d} Bill Ent.^{d} An Act for the Adjournment of Prince Georges County Court which were severally Read and Assented to and Sent to the Upper house with the paper bills thereof by M^{r} Ringgold & M^{r} Graham

Major Hynson, from the Committee of Accounts, brings in and delivers to M^{r} Speaker, the Journal of Accounts

An Ingrossed Bill Ent.^{d} a Supplementary Act to the Act, Ent.^{d} an Act for emitting and making Current 90000.^{lb} Current Money of Maryland in bills of Credit was read and Assented to, and Sent to the Upper house with the paper bill by M^{r} Hanson & M^{r} Dent.

On reading the 2.^{d} time, the Bill Ent.^{d} An Act for laying out and erecting a Town at Elk Ridge Landing &c.[a]

The question was put, whether that part of the Bill directing a Jury to be empannelled, to Value the Land in case the Com̄issioners and proprietors shall not agree, be altered or not,

Resolved in the Affirmative

for the Affirmative

Hynson
Ringgold
R.^{d} Loyd
Hammond
Gantt
Hanson
Dent

Smallwood
W: Adams
Steele
Dorsey
N. Baker
Bealle
Warring

Jacobs
Dulany
E: Tilghman
Magruder
Chapline

[19]

for the Negative

Key
Plater
J. Hall
H. Hall

Johnson
Graham
Thomas
H. Baker

Steuart
Wright
Beattys

[11]

The house Adjourns till Monday Morning at 9, of the Clock

Monday Morning 21st Nov.^{r} 1763.

Nov. 21

The house met according to Adjournment the Members were called, and all appeared as on Saturday. the proceedings were read. M^{r} Worthington & M^{r} Edmunson appeared in the house

M.^{r} Hanson brings in and delivers to M^{r} Speaker a bill Ent.^{d} An Act for Support of an organist in Port Tobacco Parish &c.[a] which was Read the first and Second time by especial Order, and will pass

p. 188

The house Adjourns till 2, of the Clock

L. H. J. Liber No. 52 Nov. 21

Post Meridiem

The house met according to Adjournment &c.[a]

M[r] Murdock appears in the house.

M[r] Hanson brings in and delivers to M[r] Speaker an Ingrossed bill Ent,[d] An Act to prohibit raising Swine and Geese in Charles Town in Charles County which was read and assented to.

Col.[o] Tilghman brings in and delivers to M[r] Speaker a bill Ent.[d] An Act to restrain the Evil practice of continuing Suits at Law, on Suggestion of Want of Witnesses &c.[a] which was read the first & Second time by especial Order & will pass

The Bill Ent,[d] An Act for the Equitable payment of Money Debts, was read the 2.[d] time, and will pass

M[r] Ringgold brings in and delivers to M[r] Speaker a Bill Ent.[d] An Act for the Speedy payment of Such persons as have been Ordered to March to the Frontier &c[a] which was read the first time, and Ordered to lye on the Table

Richard Lee, Esq,[r] from the Upper house, delivers to M[r] Speaker the Bill Ent[d] An Act to continue the powers of the Sheriffs and Collectors, &c.[a] Ind[d] By the Upper house of Assembly 19.[th] Nov.[r] 1763 Read the first time and ordered to lye on the Table

And this by the Upper house of Assembly 21.[st] Nov,[r] 1763. Read the Second time & will pass

Signed ꝑ Order J. Ross Cl. Up. Ho.

Which bill was read here and passed for Ingrossing

And also the Bill Ent,[d] An Act for imposing an Additional Duty of two Pounds ꝑ Poll on all Negroes imported into ths Province. Ind.[d] By the Upper house of Assembly 21.[st] Nov[r] 1763, read the Second time and will pass with the following Amendment leave out the Preamble, and the Word therefore in the third line, and instead of Ten Pounds insert two pounds; and instead of Twenty, insert Ten.

Signed ꝑ Order J. Ross Cl. Up. Ho.

Which Bill was here read, with the Amendments proposed, & passed for Ingrossing.

M[r] Worthington hath Leave of Absence till next Wednesday Morning

An Ingrossed Bill, Ent.[d] An Act to prohibit the raising of Swine & Geese in Charles Town in Charles County, with the paper bill thereof

p. 189 The Bill Ent.[d] an Act Impowering the Justices of Charles County &c.[a]

The Bill Ent.[d] An Act for the Equitable payment of Money debts. and the Bill Ent.[d] An Act for restraining the Evil practice for continuing Suits at Law &c[a]

Were Sent to the Upper house by Doct^{r} Steuart & M.^{r} Hammond Dorsey L. H. J. Liber No. 52 Nov. 21

M^{r} Bealle brings in and delivers to M^{r} Speaker An Ingrossed Bill, Ent,^{d} an act for continuing the powers of Several Sheriffs & Collectors, &c.[a] which was read and Assented to.

And an Ingrossed Bill, Ent, an Act Impowering the Justices of Prince Georges & Charles Countys to raise a quantity of Tob.^{o} &c.[a] which was read and Assented to &. sent to the Upper house, with the paper bills thereof by M^{r} Graham & M^{r} Steele

J. Ridout Esq.^{r} from the Upper house delivers to M.^{r} Speaker the Several paper Bills The Ingrossed Bills of which had been Severally Read & Assented to by this House, which paper bills were Severally Ind^{d} By the Upper house of Assembly

The Ingrossed Bills, whereof this is the Original, is read and assented to.

Signed ꝑ Order J. Ross Cl. Up Ho

The house proceeded to tax the following private Bills.

Draper Lusby's & Wife's Bill	
To the Hon.^{ble} Speaker	3.. 0..0
To the Clerk	1..10..0
Richard Richardsons Bill	
To the Hon.^{ble} Speaker	3.. 0..0
To the Clerk	1..10..0

On Motion of Col.^{o} Tilghman, leave given to bring in a Bill for the Better regulation of Ordinarys & Ordinary keepers within this Province, and to provide for the Defence and Security of the frontier Inhabitants against the Incursions of the Indians

Ordered that Col. Tilghman M.^{r} Johnson, M.^{r} Ringgold M^{r} Hanson and M^{r} J. Hall do prepare and bring in a Bill accordingly.

On Motion of M^{r} Ringgold, that a Message be prepared to the Upper house Requesting them to return the College Bill to this house that it may be printed.

Ordered, that M.^{r} Ringgold, M^{r} Murdock & Col.^{o} Tilghman do prepare and bring in the same

Richard Lee & Ben.^{t} Calvert Esq^{r} from the upper house Acquaint M^{r} Speaker that the Governor requires the Attendance of the Lower House immediately in the Upper House.

M^{r} Speaker left the Chair, and attended by the rest of the Members p. 190 of the Lower house went to the Upper House, and presented to the Governor the following Ingrossed Bills (Viz^{t})

An Ingrossed Bill Ent.^{d} An Act for giving a Bounty for taking Indian Prisoners and other purposes therein mentioned.

An Ingrossed Bill Ent.^{d} An Act for prohibiting all trade with the Indians for the time therein mentioned.

L. H. J. Liber No. 52 Nov. 21 An Ingrossed Bill Ent.ᵈ An Act continuing An Act Ent,ᵈ An Act for relieving the Inhabitants of this Province from some Aggrievances in the prosecution of Suits at Law, and for Continuing the Supplementary Act thereto

An Ingrossed Bill, Ent,ᵈ An Act continuing an Act Ent.ᵈ An Act for encreasing the Allowance of grand and Petit Jurors, who shall attend the Provincial Court, to limit Costs with respect to Witnesses, and granting them an Allowance in Itinerant Charges

An Ingrossed bill, Entᵈ An Act continuing An Act, Ent.ᵈ a Supplementary Act to the Act Ent.ᵈ An Act for the Relief of Creditors in England against Bankrupts who have imported Goods into this Province not accounted for.

An Ingrossed Bill, Ent.ᵈ An Act continuing An Act Int.ᵈ An Act for preventing Indians disaffected to the British Interest in America from coming into this Province as Spies, or on any other Evil Design

An Ingrossed Bill Ent,ᵈ An Act continuing An Act Entᵈ An Act to prevent persons from Secreting Boats, Flats, & Other Vessels, drove by Stress of Weather from Landings & Moorings

An Ingrossed Bill Entᵈ an Act continuing An Act Entᵈ an Act to remedy some Evils relating to Servants.

An Ingrossed Bill Ent.ᵈ An Act continuing An Act Entᵈ an Act to prevent Masters of Ships and Vessels from clandestinely carrying Servants and Slaves or persons indebted out of this Province

An Ingrossed Bill Ent.ᵈ An Act continuing an Act Entᵈ a Supplementary act to the act Entᵈ an Act ascertaining the heighth of Fences to prevent the Evil Occasioned by the Multitude of Horses and restraining Horse Rangers within this Province and to redress the great accruing to this Province by the Multiplicity of useless horses Mares & Colts that run in the Woods

An Ingrossed Bill Entᵈ An Act continuing An Act Entᵈ An Act for the Gauge of Barrels for Pork Beff Pitch Tar Turpentine and tare of Barrels for Flour or Bread.

An Ingrossed Bill Entᵈ a Supplementary Act to the Act for the Relief of Creditors and to prevent frauds and deceits occasioned by Secret Sales and Mortgages & Gifts of Goods and Chattels

p. 191 An Ingrossed Bill Ent.ᵈ An Act to aid the proceedings of the Vestry of S.ᵗ Stephens Parish in Cæcil County,

An Ingrossed Bill Entᵈ An Act to empower John Paca Robert Adair Moses Hill and Margaret his Wife to Sell and dispose of the Lands therein mentioned late the Lands of William Hammond of Baltimore County deceased for the payment of the debts of the said William Hammond

An Ingrossed Bill Ent^{d} a Supplementary Act to An Act Ent^{d} an Act for erecting a County School in Worcester County and appointing Visitors for the Same L. H. J. Liber No. 52 Nov. 21

An Ingrossed Bill Ent.^{d} An Act for the Adjournment and Continuance of Frederick County Court.

An Ingrossed Bill Ent. An Act for amending the Staple of Tobacco for preventing frauds in his Majestys Customs and for the Limitation of Officers Fees

An Ingrossed Bill Ent^{d} an Act for the Adjournment of Prince Georges County Court.

An Ingrossed Bill Ent.^{d} An Act to enable the Rector Vestry Men & Church Wardens of the Parish of S^{t} Margarets Westminster in Ann^{le} County for the time being to Sell a Tract of Land therein mentioned and to Apply the produce money arising by such Sale towards the purchase of another piece of Land to be made a Glebe for the Use of the Incumbent of that Parish & his Successors.

An Ingrossed bill Ent.^{d} An Act for the Speedy Recovery of Small debts out of Court before One Justice of the peace

An Ingrossed Bill Ent.^{d} A Supplementary Act to the Act Ent^{d} An Act for emitting and making Current 90,000.^{lb} Current Money of Maryland in Bills of Credit

An Ingrossed Bill Ent^{d} An Act for the Advancement of Justice

An Ingrossed Bill Ent^{d} An Act for the more effectual securing of Orphans Estates.

And An Ingrossed bill Ent.^{d} An Act to confirm the Sale of certain Land lying in Eastern neck Island in Kent County by Draper Lusby & Frances his Wife Executrix of John Hynson deceased to Matthew Bryan

All which the Governor passed into Laws in the usual manner

M^{r} Speaker (with the rest of the Members) returned to the Lower house and resumed the Chair.

The Journal of Accounts was Read and Assented to.

The house Adjourns till the Morrow Morning at 9, of the Clock p. 192

Tuesday 22.^{d} Nov.^{r} 1763. Nov. 22

The house met according to Adjournment the members were called and all appeared as Yesterday. Except M^{r} Worthington.

The proceedings were read

On Motion Ordered that an Ordinance be prepared and brought in for taking a Sum of Money out of the hands of the Treasurer of the Western Shore to be Applied for the repairing the Publick buildings and for the payment of 32. Dollars to M^{r} Jonas Green for Record

L. H. J. Liber No. 52 Nov. 22 Books for the Use of the Assembly Office, and that M^{r} John Hall and M^{r} Johnson do prepare & bring in the same.

An Ingrossed Bill Ent.^{d} an Act empowering Richard Richardson of ffrederck County to Sell and dispose of the Lands which belonged to his deceased Father Richard Richardson and to Apply the Money arising therefrom to the Uses of his Said ffathers will was read and Assented to & Sent to the Upper house with the paper Bill by M.^{r} Magruder & M^{r} Henry Baker.

An Ingrossed Bill Ent.^{d} an Act for imposing an additional duty of two pounds ꝑ poll on all Negroes imported into this Province was read and Assented to and Sent to the Upper house with the paper bill thereof by M^{r} Thomas & M^{r} William Adams

The Bill Ent.^{d} An Act for laying out and erecting a Town at Elkridge Landing was read the 2^{d} time and will pass and was Sent to the Upper house by M^{r} Plater and M^{r} Johnson

The following Message (Viz^{t})

By the Lower House of Assembly Nov^{r} 22, 1763

May it please your Honours

As your Honours have been pleased to Say your Message of the 19.th that you are Satisfied that the establishment of a College or Seminary of Learning in this Province, on a good foundation would be productive of many great advantages to the Inhabitants, we are much Surprised that instead of endeavouring to perfect the Bill we sent you up for that purpose by proposing Amendments to Such parts as you thought imperfect and very exceptionable you should detain it so long in your House as to make it in your Own Opinion too late for us to enter into a full Consideration of any you might make without protrating the Session to An unreasonable Length

The Bill we think is plain and Simple and as we sent it up to you above three weeks ago, there has been full time enough for the two p. 193 houses to have Settled And adjusted any difference of Sentiments they could have entertained about it, and thereby have brought it to a happy Issue this Session

But whatever might have been your Honours Motives for postponing the Consideration of a Matter so important to such as are Comparatively very Trivial we are of Opinion altho it may be too late to bring it to perfecton at this time that it may answer a very good purpose to return us the Bill with your Objections now

You wave it at present, you say till the Affair can be maturely Considered

It is our Intention to publish the Bill with any Objections you may be pleased to Offer against it and as we Conceive this will be putting the whole into a proper Channel not only for the mature Consideration of Ourselves but of the Public; and as it will thereby undergo such a Discussion as may enable us in future to render it more perfect, we hope your Honours will now return us the Bill with such propositions for amendments as you may think Expedient L. H. J. Liber No. 52 Nov. 22

As it has never been a practice till lately in some Instances introduced by your Honours to detain in your House any Bills Sent up from this nor has it been Customary for this house to keep Copies of such Bills we are the more Obliged to press you for a return of this Bill which we cannot Submit to the Consideration of our Constituents (as we are very desirous of doing) unless you will furnish us with the Opportunity by sending it down to us.

Signed ꝑ Order M. Macnemara Cl. Lo. Ho

Was Sent to the Upper house by Col.° Tilghman & Major Hynson

The Bill Ent.ᵈ an Act for the Speedy payment of Such persons as have been Ordered to March to the Western ffrontiers of this province for the Defence thereof &c.ᵃ

Was read the 2.ᵈ time and will pass and was Sent to the Upper house with the List of Claims against the province for Soldiers, Carriages provisions Expences &cᵃ by Mʳ Murdock & Mʳ John Hall

On Motion ordered that those Clauses of the Inspection Law directing the manner Old Inspectors delivering up the Warehouses and Tobacco to new Inspectors and those which require the Justices and Inspectors to meet and the Justices to Order repairs of or additions to the Warehouses be printed in the Maryland Gazette

On Motion Resolved that for the future this house will not take into Consideration any Petition from the Inhabitants of any County or Parish relative to the imposing any kind of Taxes, or erecting p. 194 any Publick Buildings, or other matter any way respecting the General Interest of such County or Parish or particular Interest of any part thereof unless it shall be made appear that two Months at least before the Offering such petition to any person to be Subscribed Advertisemᵗˢ were set up at all the Churches and Chappels & Court house of the Said County notyfying the Intention of Offering such petition to be Subscribed in order to be preferred to this house

On Motion Ordered that Mʳ Jonas Green do print in the Maryland Gazette the Act for the Speedy recovery of Small debts out of Court before one Justice of the peace which was passed this Session,

Richard Lee Esqʳ from the Upper house delivers to Mʳ Speaker the Bill Ent.ᵈ an Act for the Equitable payment of Money debts

The Bill Ent.ᵈ an Act to restrain the Evil practice of continuing Suits at Law on Suggestion &c.ᵃ

The Bill Ent.ᵈ an Act for preventing the importation of German and french papists and popish priests &c.ᵃ

And the Bill Entᵈ an Act to Oblige persons who Officiate as Clerks or Writers in the Publick Offices to take the Oaths to the Govern-

L. H. J. Liber No. 52 Nov. 22 ment and for better Securing the Publick Records. which bills were Severally Ind.d By the Upper house of Assembly 22.d Nov.r 1763. Read the 2.d time and will not pass.

Signed ꝑ Order, J. Ross Cl. Up. Ho

B. Calvert Esq.r from the Upper house delivers to Mr Speaker the Bill Ent.d An Act to impower the Justices of Charles County to levy on the taxable Inhabitants of Port Toba Parish an Additional sum not exceeding 2.d of Tob.o ꝑ poll for the further Support of an Organist &c.a Ind.d 22.d Nov.r 1763. Read 1st & 2.d time by especial Order and will pass

Signed ꝑ Order. J. Ross. Cl. Up Ho.

Which bill was Read here and passed for Ingrossing

The Bill Ent.d an Additional Supplementary Act to the Act Entd An Act for quieting possessions Enrolling Conveyances and Securing the Estates of purchasers which was brought down from the Upper house on the 16.th Nov.r 1763 with an amendment proposed was read with the amendment proposed and to which this house doth not concur

The Journal of Accounts was Sent to the Upper house by Major Hynson and three more.

The house Adjourns till 2, of the Clock

Post Meridiem

The house met according to Adjournment &ca

Mr Ringgold brings in and delivers to Mr Speaker An Address to the Gov.r which was read Approved & Ordered to be Engrossed

p. 195 Mr Ringgold brings in and delivers to Mr Speaker the following Ing.d Address Vizt

To his Excellency Horatio Sharpe Esq.r Governor and Commander in Chief in and over the Province of Maryland.

The humble Address of the house of Delegates.

May it please your Excellency

It appearing to this house by the annexed Report, that the few arms now left belonging to the Province are mostly in very bad Condition and that there is a very Considerable deficiency in the Ammunition Since April 1762 which the Armourer gives no Account of, and also that the said armourer is not only at present incapable of discharging his duty, but it seems probable he ever will continue so

We therefore think it our Duty to request your Excellency to remove the said Armourer from his trust, not doubting but your Excellency will appoint some Other person properly qualified for that purpose and Oblige the present Armourer to Account for the Ammunition that appears deficient by the said Report

L. H. J.
Liber No. 52
Nov. 22

And as we think it probable the powder said to be delivered out by your Excellencys Order to private Gentlemen was lent with a View to have it replaced in convenient time with newer & better, We doubt not but your Excellency will take Care to have that your intention Speedily Complied with

Which was read and Assented to and Signed by Order of the house by the Hon.[bl] Speaker.

Ordered that M[r] Edmunson and M[r] Key do acquaint his Excellency the Governor that this house hath prepared an Address to be presented to him and desires to know when and where he will please to receive it they return and acquaint M[r] Speaker that the Governor was pleased to Signify he woud be ready to receive the Address immediately in the Conference Chamber.

Ordered that M[r] Murdock and five more do present the Address to the Governor.

Major Hynson from the Committee of Accounts brings in and delivers to M[r] Speaker the following, Report Viz.[t]

By the Committee of Accounts Nov[r] 22.[d] 1763. p. 196

Your Committee in Obedience to the Order of the hon.[ble] House for enquiring when the last Accounts were returned by the Treasures and report the same to the House. Do Report that C. Hammond Esq.[r] rendered his Account as Treasurer of the Western Shore to your Committee this Session which account is Brought down to Octo.[r] 1763. that Col[o] Edward Lloyd rendered his Account as Treasurer of the Eastern Shore to your Committee this Session which account is brought down to Octo.[r] 1763. which said Acco.[ts] are now before the Committee. All which is humbly Submitted to the Consideration of the Hon,[ble] House,

Signed ꝑ Order, Edw.[d] Magruder Clk

M[r] Hanson brings in and delivers to M[r] Speaker. an Ingrossed Bill Ent.[d] An Act to Impower the Justices of Charles County to Levy on the taxable Inhabitants of port tobacco in said County an additional Sum not Exceeding two pounds of Tob.[o] ꝑ poll for the further Support of an Organist in the said Parish which was read and Assented to and sent to the Upper House with the paper bill by M[r] Hanson and M[r] Plater,

The house Adjourns till the Morrow Morning at 9, of the Clock

Wednesday Morning 23.[d] Nov.[r] 1763 Nov. 23

The house met according to adjournment &c.[a]

M[r] Worthington appeared in the house.

The Bill Ent.[d] An Act for erecting a Publick School in Frederick County and for Obliging the Provincial Treasures to render Ac-

L. H. J. Liber No. 52 Nov. 23 counts to the Visitors of the Several County Schools was Read the Second time and will pass and was Sent to the Upper House by Mr Magruder and Mr Beattys.

Mr Key brings in and delivers to Mr Speaker a bill Ent.d An Act to Confirm a Lease made by Thomas Harrison of Baltimore County for part of a Lot of Land therein mentioned lying in Baltimore Town in said County to the Commissioners of the Said Town and their Successors and to establish a Market in the said Town and for the Regulation of said Market which was read the first time and Ordered to lye on the Table.

Daniel Dulany Esqr from the Upper house delivers to Mr Speaker the following Message (Vizt)

By the Upper House of Assembly 23d Novr 1763

Gentlemen

We have returned with our Negative the Bill entituled An Act for the Speedy payment of such persons as have been Ordered to March to the Western Frontiers of this Province, for the Defence thereof, and of the Expences of Carriages and provisions for such Persons, and of such as have been put to the Expences of quartering his Majestys Regular Forces within this Province and other necessary p. 197 Expences during the late War, not because the Demands proposed by the Bill to be discharged, ought not to be Satisfied, but because they are upon the same footing with those of other Creditors, and should therefore be paid in the same manner.

By the Act intituled An Act for Ordering and regulating the Militia of this Province for the better defence and Security thereof, the Militia are to be paid in the Publick Levy, and we should not have the least Objection to their being satisfied in this manner, for we think, that their Obedience to the Orders issued by the Governor, in Consequence of the Authority with which he is invested by an Express Law, was precedent, and Commendable; but as other Publick Creditors are equally intitled to Satisfaction, and in the same manner we cannot concur in a measure Distinguishing their Cases

The Publick debt is now Swelled to a great Amount, and if you are of Opinion that the Discharge of the whole at this time would fall too heavy we Should very willingly Embrace any expedient, conducive to the Ease of the Debtors, and therefore, if it is agreeable to you, We shall Consent that the Militia, and the Other Persons Mentioned in the Bill We now return, and all other Creditors be at this time paid, except the Members of the Upper & Lower Houses of Assembly for their respective allowances, the payment of which may be deferred to a Season more convenient to the good People of this Province.

Signed ꝑ Order, J. Ross, Cl. Up. Ho.

And the List of debts due for quartering Soldiers &c.° L. H. J. Liber No. 52 Nov. 23

And the Bill Ent^{d} an Act for the Speedy payment of Such Persons as have been Ordered to March to the Western ffrontiers of this Province for the Defence thereof and of the expences of Carriages and Other provisions for such persons and of such as have been put to the expences of quartering of his Majestys regular Forces and other necessary expences during the late War. which Bill was Indorsed. By the Upper house of Assembly 23.^{d} Nov.^{r} 1763 Read the first and Second time by an especial order and will not pass,

Signed ℘ Order, J. Ross Cl. Up. Ho.

Benedict Calvert Esq^{r} from the Upper House delivers to M^{r} Speaker the Bill Ent.^{d} an Act for Laying out and erecting a Town at Elk Ridge Landing in Ann.^{le} County, Ind^{d} By the Upper House of Assembly 23^{d} Nov.^{r} 1763.

Read the 2,^{d} time and will not pass,

Signed ℘ Order J. Ross, Cl. Up. Ho

The house adjourns till 2, of the Clock

Post Meridiem

The house met according to Adjournment &c^{a}

M^{r} Johnson brings in and delivers to M^{r} Speaker a Bill Ent.^{d} an Act to provide for the defence and Security of the ffrontier Inhabitants against the Incursions of the Indians and for the Better regulation of Ordinary & Ordinary keepers within this Province. p. 198

Which was read the first time and ordered to lye on the Table

J. Ridout Esq^{r} from the Upper house delivers to M^{r} Speaker the following Message Viz^{t}

By the Upper house of Assembly 23,^{d} Nov,^{r} 1763

Gentlemen

Having by our Message of the 19.th Instant acquainted you with the Resolution of this house, We cannot help thinking your Yesterdays Message some what irregular, and not altogether calculated to preserve the Harmony we wish might Subsist between the two Houses, as we observe by the Journal that the affair of a College was under the Consideration of the Lower House Several years Ago & that during the session held in April 1761 it was again moved & Deliberated on in that house of which most of you Gentlemen were Members, We can Easily account for the Bills appearing at this time to a Majority of your House so plain Simple and perfect, but as we see it in a very different Light, and think the Establishment of a College here a matter that requires the most mature Consideration, We did not chuse, however Solicitous We are to have a College established on a good Foundation to determine hastily thereon espe-

L. H. J. Liber No. 52 Nov. 23 cially as Several of our Members were by Sickness rendered unable to attend & therefore made the Reference of which we advised you, as the practice of which you affect to Complain is of so Long Standing that we believe none of the Gentlemen who are at present Members of either Houses remember when it was introduced, and is in our Opinion founded on reason, you must not be Surprised at our taking the Liberty to Continue it, but if for the Reasons mentioned in your Message or any other you are desirous to have the Bill in question published we shall not Object thereto and will direct our Clerk to deliver yours a Copy of the Bill for that purpose in Case you shall think fit to Order him to Apply for it.

Signed ꝑ Order. J. Ross Cl. Up. Ho

B. Calvert. Esq,^{r} from the Upper house delivers to M^{r} Speaker the Journal of Accounts. and the following Message Viz^{t}

By the Upper house of Assembly 23,^{d} Nov,^{r} 1763.

Gentlemen

The fate of the Bill we this Morning returned to you making it necessary that many Additions be made to the Journal of Accounts p. 199 so that all who have just Claims on the Publick may be Satisfied we Send you Back the Journal for that purpose Should you resolve after Such Additions have been made to let us have it again this Session We hope you will Send it up as soon as possible that we may have time to examine it for as we perceive you have not made the Clerk of the Council the Usual Allowance (a point this House will ever insist on) we are apprehensive some other just Claims have been disregarded, & therefore shall not pass it without a Careful Examination; Should you think it rather too late in the Session to make the necessary Additions to the Journal at present you will we hope enter on it early in the next Session so that this House may have Sufficient time to examine it & to look into the several Vouchers which you will at the same time be pleased to send us

Signed ꝑ Order J. Ross, Cl. Up. Ho

Richard Lee Esq^{r} from the Upper house delivers to M^{r} Speaker the Bill Ent.^{d} An Act for erecting a Publick School in ffrederick County &c.^{a} Ind^{d} By the Upper house of Assembly Read the first & Second time by especial Order. & with the following Amendments will pass leave out in the title the Words foll.^{o} (Viz^{t}) and for Obliging the provincial Treasurer to render Accounts to the Visitors of the several County Schools leave out also in 2^{d} page the preamble & enacting Clause

Signed ꝑ Order. J. Ross Cl. Up. Ho

The Bill Ent.^{d} An Act to Confirm a Lease made by Thomas Harrison of Baltimore County for part of a Lot of Land therein mentioned lying in Baltimore Town in Said County to the Commissioners of the said Town &c.ª to establish a Market in the Said Town &c.ª was read the Second time & will pass L. H. J. Liber No. 52 Nov. 23

Mr William Adams hath leave of Absence

The house Adjourns till the Morrow Morning at 9, of the Clock

Thursday Morning 24th Nov.r 1763 Nov. 24

The house met according to Adjournment the Members were called and all appeared as Yesterday,

The proceedings were read

The Bill Ent.d An Act for erecting a Publick School in ffrederick County was read with the Amendments proposed by the Upper house with which amendments this house Concurred and Ordered that the Said Bill do pass for Ingrossing.

Mr John Hall brings in and delivers to Mr Speaker an Ordinance which was Read & approved & Ordered to be Ingrossed

The Bill Ent.d an Act to confirm a Lease made by Thomas Harrison p. 200 of Baltimore County to the Commissioners of Baltimore Town &c.ª was Sent to the Upper house by Mr Dorsey & Mr Nathan Baker.

His Excellency the Governor communicated to Mr Speaker the following Message (Vizt)

Gentlemen of the Lower House of Assembly

As I know that the Arms which came last Summer from Fort ffrederick, were much rusted by lying there so long, and in very bad Condition, I should have given Orders for their being cleaned & repaired immediately after they were brought hither, if I had known how the person that might have engaged to do it, would be paid, but I could insist upon the armourers putting himself to a farther Expence, when there was already a Considerable Sum due to him from the Publick for past Services, & he could not tell whether he should ever be reimbursed or in any manner Satisfied, for his trouble. If Gentlemen you will make provision for the payment of an annual Salary to an Armourer or appropriate a Sum of money for Cleaning and repairing the Arms above mentioned, I will take Care that such Services shall be done, and If I find any ammunition has been delivered out of the Magazine without my Order, or any lost through Mr Walls's Negligence, I shall Supersede him; notwithstanding his present ill state of Health renders him an Object of pity and inclines One to make allowances for any Small failures but that I may be better enabled to examine into the Affair I should be glad to have Copies of the two last Reports that were made to your house concerning the Arms and Ammunition, for I perceive that no such Report has for many years been entered on your Journal.

Hor.º Sharpe the 24th Novr 1763

L. H. J. Liber No. 52 Nov. 24 M^r^ Dulany brings in and delivers to M^r^ Speaker the following Report Viz^t^

Maryland ss.^t^

At a Committee of both Houses of Assembly Appointed to Inspect the Office and Proceedings for the Commissioners for Emitting Bills of Credit [*The report which begins thus is printed in full in the Upper House journal pp. 371-376*]

p. 206 The following Message. Viz^t^

By the Lower house of Assembly 24,^th^ Nov.^r^ 1763.

May it please your Honours.

This house hath Resolved that a Sum of money not exceeding £300. be taken out of the hands of the Treasurer of the Western Shore by an Ordinance to be applied by such Members of your house as you shall appoint to join the Members appointed by this house for the necessary repairs of the Publick Buildings and an Addition of a Chimney to the Stadt House and Shoud be glad to know who you will appoint for that purpose that their Names may be inserted in the Ordinance

Signed ꝑ Order. M. Macnemara, Cl. Lo. Ho

Was Sent to the Upper house by Doctor Steuart & M^r^ Graham

The Bill Ent.^d^ an Act to provide for the defence and Security of the frontier Inhabitants against the Incursions of the Indians was read the 2,^d^ time and will pass and was Sent to the Upper house by M^r^ Gantt & M^r^ Worthington

On Motion Resolves that a Message be Sent to the Upper house in Answer to the Several Messages of Yesterday

Ordered that M^r^ Ringgold Col^o^ Tilghman M^r^ Hall M^r^ Johnson M^r^ Murdock & M^r^ Hammond do prepare & bring in the Same.

An Ingrossed Bill Ent.^d^ An Act for erecting a Publick School in ffrederick County was Read and Assented to & Sent to the Upper house with the paper Bill By M^r^ Bealle & Major Waring.

The house Adjourns till 2, of the Clock

Post Meridiem

p. 207 The house met according to Adjournment &c^a^

M^r^ Key brings in and delivers to M^r^ Speaker a Bill Ent.^d^ a Supplementary Act to An Act Ent^d^ an Act for the Speedy and effectual publication of the Laws of this Province and for the Encouragement of Jonas Green of the City of Annapolis Printer which was read the first time by especial Order and will pass and was Sent to the Upper house by M^r^ Key and M^r^ Johnson.

Richard Lee Esq.^r^ from the Upper house delivers to M^r^ Speaker the Bill Ent.^d^ an Act to confirm a Lease made by Thomas Harrison of Baltimore Town of Baltimore County for part of a Lot of Land therein mentioned &c,^a^ Ind,^d^ By the upper house of Assembly 24.^th^

Nov.r 1763 Read the first and Second time and with the following Amendments will pass after the Words, paid to, in the 10.th Line of the 4th page insert the following, Such Persons as Shall by the Justices of Baltimore Cot.y in Court Sitting be annually chosen and appointed, leave out the fifth page and to the words, shall in the fourth Line of the 6,th page, and insert the following Words, and be it further Enacted by the Authority aforesaid that the Clerk of the Said Market to be appointed as aforesaid, Leave out the Words, Elected and chosen as Often as they Occur in the Bill, and insert at the End of the Bill the following Clause, saving to his most Sacred Majesty his heirs and Successors, the Right hon.ble the Lord Proprietary his heirs and Successors and to all Bodies Politick and Corporate and all others not mentioned in this Act their Several and respective Rights.

L. H. J.
Liber No. 52
Nov. 24

Signed ꝑ Order J. Ross Cl. Up. Ho.

Which amendments were here read and with which this house doth not concur.

John Ridout Esq.r from the Upper house delivers to Mr Speaker a Bill Ent.d an Act to provide for the defence and Security of the ffrontier Inhabitants against the Incursions of the Indians and for the Better regulation of Ordinarys and Ordinary keepers within this Province Ind.d By the Upper house of Assembly 24.th Nov.r 1763, Read the first & Second time by Especial Order and will not pass.

Signed ꝑ Order J. Ross Cl. Up. ho.

And the following Message. Vizt

p. 208

By the Upper house of Assembly 24.th Novr 1763

Gentlemen

We are Sincerely desirious that some Measure may be taken for the protection of the Inhabitants on the Western frontiers; But as there is a Sum of Money in the Loan Office unappropriated, which hath been levied and collected under the £40,000 Act for the defence of the Province and more will be paid in by Virtue of that Act,

We propose that Such monies may be applied in the first place to the purposes intended by your Bill, and that the Sums arising from the Ordinary licences may be granted to Make good any Deficiency there may be after the Application of the Monies above mentioned and the Bill for the Regulation of Ordinary keepers be continued accordingly.

Signed ꝑ Order. J. Ross Cl. Up. Ho

Benedict Calvert Esq.r from the upper house delivers to Mr Speaker the following Message. Vizt

By the Upper house of Assembly 24.th Nov.r 1763.

Gentlemen

This house has appointed Daniel Dulany and John Ridout Esquires, to join the Gentlemen you may name to agree for the Repairs of the

L. H. J. Liber No. 52 Nov. 24 Publick Buildings, at the same time, we think ourselves Obliged to mention that the Sum proposed by you to be Expended thereon, is not Sufficient to procure all the Repairs that may be necessary, and therefore propose to you, that it may increased.

Signed ꝑ Order, J. Ross Cl. Up. Ho.

John Ridout Esq.r from the Upper house, delivers to Mr Speaker the Bill Ent.d A Supplementary Act to An Act Entd An Act for the Speedy and effectual Publication of the Laws of this Province, & for the Encouragement of Jonas Green of the City of Annapolis Printer Ind.d By the Upper house of Assembly 24.th Nov.r 1763 Read the first & Second time by especial Order and will pass.

Signed ꝑ Order J. Ross Cl. Up. Ho

Which bill was here read and passed for Engrossing.

The following Ordinance Vizt

p. 209 An Ordinance for the immediate Repair of the Court house, and Other Publick Buildings, within the City of Annapolis

It is Ordained by his Excellency & the Upper and Lower Houses of Assembly, that a Sum not exceeding Three hundred Pounds shall be paid to Daniel Dulany, John Ridout, Walter Dulany, George Steuart, and Brice Thomas Beale Worthington Esq.rs

By the Treasurer of the Western Shore out of the Public Money now in his hands to be laid out by the said Daniel Dulany, John Ridout, Walter Dulany, George Steuart, & Brice Tho.s Beale Worthington, Or any two, or more of them, for the immediate and necessary Repairs of the Council House, Court House, Repository & paper Currency Office, within the City of Annapolis, A Regular and Clear Account of the Disposition of which money, they the Said Daniel Dulany, John Ridout, Walter Dulany George Steuart, and Brice Thomas Beale Worthington, or any two or more of them, are hereby directed to lay before the General Assembly at their next meeting 24,th Nov,r 1763,

Read and Assented to by the Lower house of Assembly.

Signed ꝑ Order Henry Hooper Speaker.

Was Sent to the Upper House by M.r Dulany and Doctr Steuart.

An Engrossed Bill, Ent.d a Supplementary Act to an Act, Ent.d an Act for the Speedy an effectual Publication of the Laws of this Province and for the Encouragement of Jonas Green of the City of Annapolis Printer. was read and Assented to & Sent to the upper house with the paper Bill by Mr Henry Hall & Mr Wright.

On Motion leave given to bring in a Bill to revive Kent County November Court and Continue the process therein.

Ordered, that Mr Ringgold and Col.o Loyd do prepare and bring in the same

On Motion, that an Address be prepared to the Governor relative to the Report brought in from the Committee appointed to inspect the Office and proceedings of the Commissioners of the paper Currency Office &c.[a] leave given, L. H. J. Liber No. 52 Nov. 24

Ordered that Col.° Tilghman, Mr Ringgold, Mr Dulany Mr Beall Mr Hanson & M.r Johnson, do prepare & bring in the Same,

The house Adjourns till the Morrow Morning at 9, of the Clock p. 210

Friday Morning 25.th Nov.r 1763. Nov. 25

The house met according to Adjournment the Members were called and all appeared as yesterday, Except Mr Adams.

The proceedings were Read.

Mr Sulivane appeard in the house

Mr Graham brings in and delivers to Mr Speaker the following Report.

By the Committee appointed by the Hon.ble the Lower House of Assembly to examine the Agents Accounts 24.th Nov.r 1763.

Your Committee have examined the Accounts of the Agents under the Act for granting a Supply of forty thousand Pounds for his Majestys Service and Striking thirty four thousand and fifteen Pounds Six Shillings thereof in Bills of Credit and raising a fund for Sinking the Same, and find that Since the Report of your Committee in November Session 1757 they have Applied the Several Sums of Money then in their hands to the particular Services for which they were appropriated and that there remains in their hands the Sum of £156..18..10½, your Committee also find that there is in the hands of Captain Alexander Beall for the Ballance of the Money paid him for Recruiting his Company unaccounted for £28..1..0 and that there is in the hands of George Ross a Ballance of £11.4..0½, and the Agents Remark that he Claims a larger Sum than this Ballance on Account of Some payments made by him for Work done at fort Frederick for which the proper Vouchers have never Come to the hands of the Said Agents

Your Committee also Observe that there is in the hands of John Buchanan Merchants in London the Sum of £142..0..11 Sterling being the Ballance Unapplied of Bills of Exchange remitted to him for purchasing Arms and Ammunition

Your Committee likewise take leave to Observe that there are Several Sums of Money due to the following People for Sundry Services at the Fort which the Agents Apprehend they are liable to pay when called upon, Vizt

Cap.t Emmett	3.. 0.. 0
Lod.p Clarmar	6..12.. 6

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Liber No. 52
Nov. 25

James Thompson	0..17.. 6
Luke Thompson	0.. 4.. 6
Frances Thompson	0.. 4.. 6
Patrick Burnes	0.. 4.. 6
Patrick Gray	0.. 4.. 6
p. 211 Thomas Shlay	2.. 0.. 4
George Kippart	1..15.. 2
John Winshart	3..19.. 6
George Lane	3..12.. 0
John Lucas	1.. 1.. 0
George Delotta	0..16.. 6
John George	0.. 4.. 6
William Thompson	1.. 1.. 0
Val. Usulman	1..10.. 0
Pat. Culford	1.. 7.. 0
Simon Collins	0.. 1.. 9
Samuel Stevens	0..16.. 7½
John Wood	4..18..10
Richard Peariss	0..17.. 6
Tho.^{s} Thernburgh	4..10.. 0
Stephen Heard	2.. 5.. 6
	£42.. 5.. 2½

Your Committee have also examined the Accounts of the Said agents under the Act for his Majesty's Service passed in the Baltimore Session 1757, and find they have applied all the monies drawn out of the Loan Office to the purposes by that Act directed and that there are due from the following Officers for the Ballance of Money paid to them for the Recruiting Service. Viz^{t}

Lieu^{t} Duncan M^{c}Rae..................£145..0..0
NB the Agents have Lieu^{t} M^{c} Raes bond for 100..0..0
advanced John Ross Security.

Paid Lieu.^{t} M^{c} Raes Bond for £100..0..0 advanced David Ross Security, & Richard Lee Esq.^{r} Bond of Indemnification for £100..0..0 advanced to the said Lieu^{t} McRae, Lieu.^{t} Robert Hanson £69..12..5. NB the Agents have Lieu^{t} Hansons Bond for £200..0..0 Advanced Edm.^{d} Key and Samuel Wilson Securities and Said Lieu^{t} Hansons Bond for £60..0..0 advanced Thomas Mathews & George Clark Securities, Cap^{t} Francis Ware £37..10..0 NB. the Agents have Cap.^{t} Wares Bond for £200..0..0 & £100..0..0 advanced in both which Rob.^{t} Swane is Security, and there appears by the Agents Books the Sum of £10..0..0 due to Lieu.^{t} Thomas Mathews & £7..4..0 to Doct.^{rs} Sam.^{l} Meares.

p. 212 Your Committee have inspected the Agents Accounts of the distribution of £1500..0..0 granted by the Act for granting a Sum

L. H. J.
Liber No. 52
Nov. 25

of Money as a present to the Forces, late in the pay and Service of this Province and taken into his Majestys Service by Brigadier General Forbes and find that they have distributed the said Sum of Money to the Several Claimants under the said Act, except the sum of £70..2..6 which they have not been called upon for and which is due to the following Persons, Viz^{t}

Lieu.^{t} Thomas Mathews . .	£12.. 0..0
Lieu^{t} Drucan M^{c}Rae.	12.. 0..0
Benjamin Griffin	4..12..3
Levin Fishwater	4..12..3
Robert Munroe	4..12..3
Abraham Eglistone	4..12..3
James Thompson	4..12..3
William Miller	4..12..3
John Jenator	4..12..3
John Terrell	4..12..3
Isaac Rally	4..12..3
Neal Carmichaell	4..12..3
	£70.. 2..6

Your Committee likewise Observe that of the Said fifteen hundred Pounds the sum of five hundred and Ninety three Pounds Sixteen Shillings was paid to Lieu^{t} Coll.^{o} Dagworthy on Account of himself and the Officers and private Men of his Company as appears by his Receipt which includes an Obligation to distribute the said sum so received in such just and due proportions as by the Said Act is directed and likewise to deliver or Cause to be delivered to the Said Agents true and genuine Receipts from each man for his respective proportion received and to return the respective proportions of such men as shall have Deserted before the time of the General distribution, & the Agents inform your Committee that the said Lieu.^{t} Coll.^{o} Dagworthy hath not hitherto delivered to them any such Receipts for the said Money of the Distribution thereof.

All which is Submitted to the Consideration of the Hon.^{ble} House

Signed ꝑ Order. Henry Wilkins Clk.

M.^{r} Ringgold brings in and delivers to M^{r} Speaker a Bill Ent.^{d} an Act to revive Kent County November Court and to continue the process therein p. 213

Which was Read the first and Second time by an especial Order and will pass and was Sent to the Upper house by Col.^{o} Loyd & Major Hynson

Benedict Calvert Esq.^{r} from the Upper house delivers to M^{r} Speaker the Bill Ent.^{d} an Act to revive Kent County November Court and to continue the process therein (Ind^{d}) By the Upper

L. H. J. Liber No. 52 Nov. 25 House of Assembly 25,th Nov.r 1763. Read the Second time and will pass,

Signed ꝑ Order. J. Ross Cl. Up. Ho.

Which Bill was Read here and passed for Ingrossing.

The following Message.

By the Lower house of Assembly Nov.r 25.th 1763.

May it please your Honours.

If your Honours were really disposed to preserve that Harmony which you say you wish might Subsist between the two Houses, your Message of the 23,d we conceive, would have been in a very different Strain. We cannot be of Opinion, that entering into a Course of Reasoning with your Honours to induce you to depart from any Resolution, when we think it unsupported by Arguments, to produce in us a Conviction of its propriety, can with Justice be imputed to a disposition to Interrupt the Harmony which ought to Subsist between the two Houses, nor can we look upon your Resolutions as so sacred that they must not be Controverted, even when they appear to us to be highly unreasonable It should be the Endeavour of Both Branches to render every Bill as perfect as they can, and as a free Communication and interchange of Sentiments are the most likely means to produce this end, We are Surprized your Honours should Charge our last Message upon this Subject with irregularity and Especially when every Session might probably furnish Instances of the like practice, Why did not your Honours make the same Objection to Messages of a Similar nature in this Session upon the Inspection Bill, when you had declared your Resolutions as peremtorily as upon the present Occasion The answer is Obvious, you were very unwilling to loose the Benefits of that Law, but the Bill for the Establishment of a Seminary of Learning p. 214 is not quite so palatable to your Honours for reasons which you evade to Publish, and therefore We presume the Public will not be inclined to make the most favourable Constructions upon them, nor shall we conclude but that it is the Subject itself which gives your Honours so much Offence, and we declare to you that whenever your Resolutions may be Inconsistent with the Interests of our Constituents, We shall not be Solicitous to preserve the Harmony you wish for, since an implicit Acquiesence in your Resolutions must be the Condition of it. But Supposing it the Duty of this House to pay that regard to your Resolutions which you seem to Exact, We cannot Conceive in what respect they are Contravened by our last Message. You did not Chuse, you say, to determine hastily upon the Bill, and therefore Referred it. We did not, in Our Message of the 22.d Instant, desire you to come to any determination upon it, but on the Contrary after you had told us, that you were of Opinion that the Bill was in Many respects, imperfect and very exceptionable, intimated our Apprehensions that it was too late to bring it to perfection in the present Session, and further declared, that our Motive for desiring the Bill might be returned to us with such propositions for Amendments, as you might think expedient, was an Intention to publish the whole, that it might undergo a Public Examination and discussion, & thereby enable us, in future, to render it more perfect

L. H. J.
Liber No. 52
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Your Honours Say, that as you Observe by the Journal, the Affair of a College was under the Consideration of the Lower House, Several years ago, and that during the Session in April 1761, it was again moved and deliberated on in that House, of which most of us were Members, you can easily account for the Bills appearing at this time to a majority of this house plain, Simple and perfect as to the Consideration of the Affair of a College Several years ago, We must observe, the Scheme was very different from that of the present Bill, that very few of us were Members of the Lower house at that time, and consequently that a great Majority of the present House cou'd have no more lights from the proceedings on that Bill than your Honours have, Since they appear on Our Journal so that this Consideration has had no Weight in producing the Opinion you ascribe to us. In April Session 1761. the Lower house had proceeded but very little further in their plan, than Setling the funds, which are widely different from those under the present Bill when they were Suddenly Stopt in their proceedings by a prorogation, the motives to which, we presume your Honours are at the least as well Acquainted with, as the Reasons which induced us to think our Bill, plain, Simple and perfect, if you can suggest no better than the groundless Conjectures above mentioned

But We beg your Honours will puzzle yourselves no longer to account for the Bills appearing to us plain, simple and perfect, because we have not any where expressed Such an Opinion, plain and Simple it does appear to us, but we have not alledg'd to be perfect, and must beseech your Honours not to indulge yourselves in the Licence (Since we do not think it of so long Standing, that none of the Gentlemen who are at present, Members of either Houses, can remember when it was introduced) of thus Misrepresenting us

p. 215

These are disingenuous Arts, totally inconsistent with the dignity which Should be maintained in a Parliamentary Intercourse between the Several Branches of the Legislature If the only Reason of your keeping the Bills is, that you may have an Opportunity of Considering it. We think that end might have been as well an answer by sending it down to us, first Ordering your Clerk to keep a Copy of it for your Selves, but since you seem to be of a different Opinion We reject your proposal, and must take care for the future not to Subject ourselves to a like Inconvenience, tho' it may occasion a Considerable additional Expence to our Constituents Upon the whole, Since both

L. H. J. Liber No. 52 Nov. 25 Houses agree, that the Establishment of a College is a matter which wou'd be productive of many great advantages to the Inhabitants & requires as you Say, and we admit, the most mature Consideration we must Submit to the Judgment of the Public, whether your Honours in detaining the Bill, and evading to point our your Objections, or propose Amendments, after it had been So long under your Consideration, or this house in pressing for the bill, and your Sentiments upon it, with a declared Intention to publish both to the World, have proposed the more rational Expedient for bringing about that mature Consideration which your Honours affect so much to Desire.

Signed ꝑ Order. M. Macnemara Cl. Lo. Ho.

Was Sent to the Upper house by M^r^ Ringgold & M.^r^ Hammond.

The house Adjourns till 2, of the Clock

Post Meridiem

The house met according to Adjournment &c.[a]

An Ingrossed Bill Ent,[d] an Act to revive Kent County November Court and to Continue the process therein was read and Assented to and Sent to the Upper house with the paper bill, by Col.^o^ Loyd and Major Hynson.

p. 216 M^r^ Hanson brings in and delivers to M^r^ Speaker an Address to the Governor which was Read Approved and Ordered to be Ingrossed.

The following Ingrossed Address (Viz^t^)

To his Excellency Horatio Sharpe Esq.^r^ Governor & Commander in Chief in and Over the Province of Maryland

The humble Address of the house of Delegates.

May it please your Excellency.

By the report of the Committee of both Houses of Assembly appointed to Inspect the Office & proceedings of the Commissioners for Emitting Bills of Credit Established by act of Assembly it appears to this House that Several officers appointed to collect the Taxes, by Virtue of the Laws of this Province, have been very remiss in making their payments, For your Excellencys fuller Information of the particular failures, we beg leave to refer you to an Extract from the Said Report here with sent, & request that your Excellency will be pleased to direct the most Effectual Measures to be taken to enforce the Speedy payment of those Deficiences

Was Read and assented to and Signed by Order of the house by the hon.^ble^ Speaker

Ordered that M^r^ Plater and M^r^ Johnson do acquaint the Governor that this house hath prepared an address to be presented to him and desires to know when and where he will please to receive it, they return and acquaint M^r^ Speaker that his Excellency was pleased to Signify that he would receive it immediately in the Council Chamber

The following Message (Viz^{t})

By the Lower House of Assembly Nov.^{r} 25,th 1763. L. H. J. Liber No. 52 Nov. 25

May it please your Honours

We are very Sorry you Shou'd return with a Negative the Bill for the Speedy payment of such Persons as have been Ordered to March to the Western Frontiers of this Province for the Defence thereof and of the Expences of Carriages and Provisions for such Persons, and of such as have been put to the Expences of quartering his Majestys Regular Forces within this Province and the Necessary Expences during the late War.

We must beg leave to differ in Opinion with your Honours when you intimate these Claims are upon the Same footing with those of Other Creditors and should therefore be paid in the same manner, all these Claims are from persons that have Suffered great Hardships p. 217 and Dangers for our Defence and Security, or such as have either had their property forced from them, or have, through necessity and to prevent greater Evils to themselves and many Others during the late War, advanced their own money several years past and are Only to be repaid for the real Value or principal so forced from them or advanced. Whereas most other Public Creditors lay out of profits expected from the Fees and Perquisites of Office or Rewards for Services performed in Ease and Safety and in this Light, the Persons who are the Objects of the present Bill have been distinguished in all our late Resolutions for Raising money to defray the Expences of the War. those People having been Constantly provided for by us, to be paid out of the first monies we shou'd raise, and we the more Wonder your Honours Should refuse the payment now proposed in the manner, especially when the money raised by the Over plus of the funds particularly Established to Support the expence of the War is by this Bill appropriated for that purpose, and when to the payment of those Claims have Constantly heretofore, as well as at the Opening of this Session been so warmly recommended by his Excellency the Governor

That every Creditor employed by the Public and who has served the Public, is intituled to Satisfaction We readily admit, and it is not our fault that they have not been long ago Satisfied, or that the Public debt is now Swelled to so great an Amount, But as to your proposal of paying of all other Public Creditors except the Members of the two Houses however just it may be with regard to your Honours who have so long defeated the passage of the Journal by an unreasonable Claim upon the Public, We cannot think that the Steady Opposition we have made against it should place us upon the same footing, nor shall we ever be induced to pay so poor a Compliment to our Service as to Consent to a measure which woud amount to an Implied acknowledgement that our Conduct ought to distinguish us from

L. H. J. Liber No. 52 Nov. 25 other Publick Creditors while we have so much Reason to be persuaded of its Rectitude in the matters contested between us the Situation of the Members of your House is very different from that of your Honours for besides the Superiority in point of private fortune, the very Lucrative Offices you hold & would make the delay of payment in this Case a trifling inconvenience to you, but as it is p. 218 otherwise with us you cannot expect our acquiesence in your proposition, and therefore we hope you will excuse us when we Say it rather appears to us an Ostentation than a real mark of Disinterestedness or of your Equity and tender concern for the Publick Creditors.

Signed ꝑ Order, M. Macnemara Cl. Lo. Ho.

Was Sent to the Upper house by Col.^{o} Tilghman & M.^{r} Steele.

Ordered that M^{r} Dulany and M^{r} Graham do present the Address to the Governor with the following Extract of the Report of the Committee of the paper Office (Viz^{t})

An Extract from the Report of the Committee appointed by both Houses of Assembly to Inspect the Office and proceedings of the Commissioners for Emitting Bills of Credit established by Act of Assembly,

Your Committee find that there is Still due on the Act for Encouragement of Jonas Green passed in Sept.^{r} 1756 from William Hedges late Sheriff of Cæcil Cot.^{y} £10..10..0, and John Fendall late Sheriff of Charles County £17..10..0.

And that the following Sums reported last Session to be due from, the Sundry Sheriffs on Ordinary Lycences are Still unpaid, Viz^{t}

John Risteau late Sheriff of Baltimore Cot.^{y}		£121..10.. 0
Henry Morgan late Sheriff of Said County		26.. 2.. 6
Thomas Sheredine late Sheriff of Said County		24.. 5.. 6
John Smith late Sheriff of Cæcil County		49.. 8.. 4
John Parran late Sheriff of Calvert County		11..17.. 6
Osbourn Sprigglate Sheriff of Prince Georges County		131..16.. 5½
Walter Hanson late Sheriff of Charles County		23..15.. 0
W.^{m} Mauduit late Sheriff of Prince Georges Coty.^{y}	59..19..4½	
ditto for five Ordinary licences Charged by mistake to John Cook	11..17..6	
		71..16..10½
John Cook late Sheriff of Prince Georges County		29..11..10½

Your Committee have inspected the returns & payments of the Several officers and Collectors of the Funds under the aforementioned Act and find the following deficient in their Duty Viz^{t} The Sheriff of S^{t} Marys County for the Batchelors Tax in 1763, and the Collector of Excise of said County for One years Excise due the 29.th Sept.^{r} 1763, and the Clerk of Said County has made no payments Since Feb.^{y} 25, 1762

L. H. J. Liber No. 52 Nov. 25

The Collector of Excise for Kent County has rendered no Account nor paid any Excise from March 25.th 1759 to November in that year nor Wheel Carriages for 1757, and the Sheriff of that County Owes a Ballance of 32..8..4½ for Ordinary Lycences in 1761 and 1..13..3 for Ordinary Lycences in 1762. p. 219

The Collector of the Land Tax for Ann Arundel hath not paid the Land Tax from September 29.th 1761. to March 25,th 1763, nor the Sheriff the Batchelors tax for 1762, and the Collector of the Excise for the Same County from Sept.r 29,th 1761, to June 1763.

The Sheriff of Calvert County has not accounted for the Batchelors tax in 1759 and the Collector of Excise of same County has not paid the half years Excise due Sept.r 29.th 1763.

The Sheriff of Prince Georges County has not paid the Batchelors tax for 1762, and the Collector of the Land tax of said County is indebted for half a years Land tax ending September 29.th 1762. nor have they or the Collector of Excise of that County accounted for any duties and taxes of the present year.

The Sheriff of Charles County Owes 35..9..4 on Account of Ordinary Lycences 1762.

The Collector of Excise of Queen Anns County has not accounted nor paid between April the 12,th 1762. and Sept.r 1763.

The Sheriff and Collector of Excise and Land tax of Cæcil County has rendered no Accounts nor paid any money for Wheel Carriages in 1755, & 1756 nor for Billiard Tables or Batchelors Tax in 1756, 1757, & 1763, or for Excise or Land Tax from June 1756. to Nov.r 1757. also Owes half a years Excise ending Sept.r 29.th 1763

The Sheriff of Baltimore County has not accounted for the Batchelors tax in 1763, the Collector of the Land tax has not paid the half year ending March 25.th 1763, nor has the Collector of Excise Accounted for, or paid the half years excise to Sept.r 29.th 1763.

The Sheriff of Talbot County has not paid the Batchelors tax in 1763. nor the Taxes on Wheel Carriages and Billiard Tables for 1762. and the Collector of Excise for same County has not paid half years Excise due Sept.r 29.. 1763.

The Sheriff of Worcester County has not accounted for any Wheel Carriages in 1761, & 1762, nor paid the Batchelors tax in 1762 & 1763. and the Collector of Excise of said County hath not paid the half years Excise due Sept.r 29,th 1763.

p. 220 The Sheriff and Collectors of Excise and Land tax of Frederick County have made no payment of any of the Taxes and Duties due this present year

On Motion the question was put that this house doth agree to the proposals mentioned in the Message from the Upper House of the 24,th of Nov.r Instant brought down by John Ridout Esq.r

Resolved in the Negative

L. H. J.
Liber No. 52
Nov. 25

for the Affirmative

Key
Steuart
Beattys
Chapline [4]

for the Negative

Plater
J. Hall
Hynson
Ringgold
Loyd
Worthington
Hammond
H. Hall
Johnson
Gantt
Graham
Hanson
Dent
Smallwood
Edmunson
Thomas
Steele
Dorsey
Sulivane
H. Baker
N. Baker
Murdock
Bealle
Warring
Jacobs
Dulany
Tilghman
Wright
Magruder. [29]

The following Message Viz^{t}

By the Lower House of Assembly, Nov^{r} 25, 1763

May it please your Honours.

In Answer to your Message of the 23,^{d} accompanying the Journal it gives us much concern that your Honours shoud refuse a Bill for the Speedy payment of such of the Publick Creditors as we have thought ought not to be left to the Uncertainty of the passage of a Journal, but we cannot allow that from thence arises any Necessity of their Claims being inserted therein, and indeed it would be mispending time now to do it, or to return the Journal to your Honours, as you say the Allowance to the Clerk of the Council which we have not disregarded, but have Unanimously this Session refused to make, is a point your House will ever insist on, why you Shou'd be Apprehensive that because we have not made the Clerk of the Council the usual allowance, some other just Claims have been disregarded, we are at a Loss to imagine, But as no doubt you had some foundation for your Apprehensions, we wonder you did not Search and point out those just Claims you might find disregarded, we do assure your Honours, all such shoud have been readily added.

p. 221 Your Honours Cannot be ignorant, that the Lower House refused to make the Clerks of the Council the usual Allowance at ffebruary Session 1756 and made one to M^{r} Ross in Consideration of Publick Services he might have performed by Vertue of the Laws of this Province; and then by a Message informed your Honours that they had Resolved that for the future no such allowance Should be made, but that upon a particular account laid before the Lower House by M^{r} Ross for Publick Services by him done for this Province, they would allow what should appear Reasonable

L. H. J. Liber No. 52 Nov. 25

Your Honours no doubt well know, that the Monies received by the Proprietary from the People of this Province for the Support of Government (whether justly or not, alters not the Case, are much more than Sufficient after all other expences to which they Ought to be applyed are defrayed, to make the Clerk of the Privy Council, a full Compensation for his Services; and we cannot imagine but that his Lordship will be generous enough to do it, as his Sallary Stands upon the Same Foundation with your Honours allowance as a Privy Council, the Claim of which you have thought proper lately not to Contend about Publick Credit is reduced to so low an Ebb, that we think the World must look upon it as the highest Injustice in your Honours, further to postpone the payment of the Publick Debt, because we will not tax the People for the payment of a Sallary to the Clerk of the Privy Council, who, we do unanimously Contend, ought, together with your Honours, as Privy Councillors, to be Satisfied out of the monies Collected by the Proprietary from the People for the Support of the Government of this Province (of which we hope the time will Come, when an account will be had) as your Services and his, of which his Lordship alone from the Secrecy of their nature, can be a Competent Judge, cannot by any Other be rewarded according to their Merit.

If M^r^ Ross will lay before us a Particular Account of his Charge for Services performed by Virtue of the Laws of this Province, and for which he ought in reason to be paid, by a Tax on the People of this Province, we will readily insert in the Journal what may appear to us reasonable.

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The Adjustment of Publick Claims, we look upon to be the peculiar privilege of this House, and to have been always exercis'd as such, and we must Suppose the Vouchers for Support of Such Claims of Course ought to remain with us

If your Honours intend, which we think fairly deducible from two of your Messages of the 23.^d^ Instant, by any person acquainted with the Affairs of this Province, that the payment of all Public Creditors shall be made, when made at all, by poll tax on the People, notwithstanding the Publick Treasury in which there may be a great deal of money much wanted in Circulation, may be well able, if the Money therein were applied to discharge the Public Debt, and we have many precedents of such applications we Shall always think it our Duty to Oppose so grievous unequal & unnecessary a Tax, and so far from fearing any Imputation by the Impartial, we are Satisfied our Conduct will be approved by the Public Creditors themselves, and applauded by the good people of this Province.

Signed ℘ Order. M. Macnemara Cl. Lo. Ho

L. H. J. Liber No. 52 Nov. 25

Was Sent to the Upper house by M.r Ringgold & M.r H. Hall

On Motion made by Mr Ringgold, that a Message be prepared, in Answer to the Message of the 24.th Instant, brought from the Upper house by J. Ridout Esq.r

Ordered that Mr Ringgold Col.o Tilghman Mr Murdock Mr Johnson Mr Hammond & Mr J. Hall, do prepare and bring in the Same.

On Motion Of Col.o Tilghman, leave given to bring in a Bill for the Regulation of Ordinarys within this Province

Ordered that Col.o Tilghman, M.r Ringgold Mr Sulivane, & Mr Hanson, do prepare & bring in a Bill accordingly

On Motion of Mr Key, the question was put, that leave be given to bring in a Bill for the Support of fifty Men, for the protection of the ffrontier Inhabitants of this Province, and for the payment of the Said Men out of the Overplus of the ffunds of the £40,000 Act Resolved in the Negative

for the Affirmative

Key
Steuart
Beattys
Chapline [4]

for the Negative

Plater
J. Hall
Hynson
Ringgold
Loyd
Worthington
Hammond
H. Hall
Johnson
Gantt
Graham
Hanson
Dent
Smallwood
Edmunson
Thomas
Sulivane
Steele
H. Baker
N Baker
Bealle
Warring
Jacobs
Murdock
Dulany
Tilghman
Wright
Magruder [28]

The house Adjourns till the Morrow Morning at 9, of the Clock

Nov. 26

Saturday Morning 26.th Nov.r 1763

The house met according to Adjournment. the Members were Called and all appeared as yesterday except Mr Thomas. the proceedings were Read.

Mr Hanson brings in and delivers to Mr Speaker a Bill Ent.d An Act for the better Regulation of Ordinarys and Ordinary Keepers within this Province which was Read the first and Second time by an especial Order & will pass.

His Excellency the Governor communicated to Mr Speaker the following Message (Vizt) L. H. J. Liber No. 52 Nov. 26

Gentlemen of the Lower House of Assembly

As I think it the Duty of every Person who by himself or his Friends applies for an Office to account for and pay as soon as possible the money he is thereby Authorized and Obliged to Collect for the Publick, I have Often given Orders for the prosecution of Defaulters & not long ago directed the Clerk of the Council to Signify to all Such Officers as were then in Arrear to the paper Currency Office that no Indulgence would be given then beyond the time when they Ought to Account, and you may depend that Compulsory methods shall be used with such as have not paid due regard to the Intimation given them, as it was found upon former prosecutions against Several of the Publick Debtors reported by the Committee whose Commissions were expired before my Arrival in the Province that they either did not owe the money they are respectively charged with or that it could not by any means be recovered it would be better I think to leave the names of those out of any future Report & let an Entry be made in the Office Books accordingly.

Hor.o Sharpe, the 26th Nov.r 1763

On Motion of Col.o Tilghman leave given to bring in an Address to the Governor in answer to his Message of the 19.th of Nov.r Instant recommending that provision be made for the protection of the ffrontiers. p. 224

Ordered that Col.o Tilghman Mr Rnggold Mr Murdock Mr Johnson and Mr Dulany do prepare and bring in the Same.

The following Message (Vizt)

By the Lower House of Assembly Novr 26. 1763

May it please your Honours.

We cannot help expressing our real Concern and disappointment at your sending down the Bill making provision for the Defence and Security of the ffrontier Inhabitants against the Incursions of the Indians and for the better regulation of Ordinarys and Ordinary keepers within this Province with a Negative and the more as you not only make no Objections to the Military part of the bill but Tacitly approve the Regulation the men were put under and agree with us that number is adequate to the Service, by your proposal that different Monies Should be applied to the purposes intended by that bill.

As you have not explicitly pointed out the part of the Bill which occasioned your Negative, we cannot ascertain it but by deduction, and when we reflect on the State of the Funds Established by the fforty Thousand Pound Act of which you are doutbless well apprized by the Report of the Committee of both Houses Signed by One of your Members and find that there is already in the Iron Chest very

L. H. J. Liber No. 52 Nov. 26 near one Thousand Pounds and some Thousands due on these Funds, great part of which will undoubtedly be paid into the Office very soon more than the Forty Thousand Pounds emitted and taken out of the Office on their Credit and when it appears by Certain Calculation that the Company of Men could not have required Two Thousand two Hundred Pounds the whole time they were intended to be Supported your proposal "that the Sums arising from the Ordinary Licences may be granted to make good any Deficiency there might be after the Application of the Monies proposed by you to be taken out and the Bills for Regulating of Ordinary keepers be continued accordingly" being a Continuation of the Ordinary Licence Regulaation in Appearance only and not in Effect we fairly Conclude your proposals were Calculated to prevent an Application of the Ordinary Licence money to the Public use.

p. 225 We have for some time entertained hopes that we Should not any more be reduced to the Melancholy Alternative of Seeing our fellow Subjects Inhabiting the Western Frontier fall a Sacrifice to pretended Rights of Prerogative, but Shou'd the Indian Incursions be Continued the Shocking Scene we fear, must once more present itself to our View.

Have not the unsuccessfull attempts heretofore made by your Honours to prevail on this House at some time to wave at other times to give up the Peoples undoubted Right to the Application of monies arising on Ordinary Licences been Sufficient to discourage your Honoures from renewing those Attempts possibly we may be mistaken and the Application of that money may not be your Objection to that Bill, if not, you'll please to say so, if it is, you'll please to Shew that the People have not the Right this House have time out of mind Contended for, if neither of those are done we are determined not to proceed to the Framing any other Bill for the Defence of the Western Frontier. The Utility, nay the Necessity of keeping up a Regulation of Ordinarys we are Confident you will never dispute, and we cannot suppose the Term of Seven years for the Continuance of a Regulation allowed on all Hands to be so usefull and necessary cou'd be any Objection with your Honours, this being the Case we are totally at a loss to Conceive what Reasons could induce you to refuse so useful and Beneficial a Bill unless you be in hopes that a more favourable Opportunity may ee'r long present itself of getting the Ordinary Licences Applied to the Support of Government or in other Words to his Lordships Private use

Signed ꝑ Order, M. Macnemara Cl. Lo. Ho.

Was Sent to the Upper house by M^r^ Sulivane & M^r^ Jacobs.

Richard Lee Esq.^r^ from the Upper house delivers to M^r^ Speaker the following Message (Viz^t^)

By the Upper house of Assembly 26.^th^ Nov.^r^ 1763

Gentlemen

L. H. J. Liber No. 52 Nov. 26

We did not mean to give you any Offence by the Message you have been pleased to [*The message which begins thus is printed in full in the Upper House journal pp. 281-282*]

John Ridout Esq^r from the Upper house delivers to M^r Speaker the following Message (Viz^t) p. 227

By the Upper house of Assembly Nov.^r 26,^th 1763

Gentlemen

Having for Reasons already Communicated to you & which we apprehend [*The message which begins thus is printed in full in the Upper House journal pp. 283-286*]

Benedict Calvert, Esq.^r from the Upper house delivers to M^r Speaker, the follow.^g Message (Viz^t) p. 230

By the Upper house of Assembly, 26,^th Nov.^r 1763.

Gentlemen

You having thought proper to blend your own Conduct with that of former assemblies and to [*The message which begins thus is printed in full in the Upper House journal pp. 282-283*]

The Bill Ent.^d An Act for the better regulation of Ordinary's & Ordinary keepers within this province was sent to the Upper House by M^r Hanson & M^r Wright. p. 232

Benedict Calvert Esq.^r from the Upper house delivers to M^r Speaker the Several paper Bills the Engrossed Bills of which had been severally Read & assented to which paper bills were severally thus Endorsed Viz^t the Engrossed bill whereof this is the Original is read and assented to. By the Upper house of Assembly

Signed ℘ Order J. Ross Cl. Up. Ho.

Richard Lee and Benedict Calvert Esq.^rs from the Upper House acquaint M^r Speaker that the Gov.^r requires the attendance of the Lower House immediately in the Council Chamber.

M.^r Johnson from the Committee appointed brings in and delivers to M^r Speaker the following Address (Viz^t)

To his Excellency Horatio Sharpe Esq.^r Governor and Commander in Chief in and over the Province of Maryland.

The humble address of the House of Delegates.

May it please your Excellency

In the Course of our Duty this Session in an Examination into the State of our Public Funds we have found that instead of its being necessary to provide for any deficiency all the money omitted and borrowed under the forty Thousand Pound act is already paid in and a Considerable Surplus is now in the Office besides other large Sums which some of the Officers have not paid in and to force the payment of which we have already addressed your Excellency to

Nov. 26 L. H. J. Liber No. 52 Order the necessary and effectual measures to be taken, and from your Excellencys answer thereto this day received observe that the precaution you have already taken in that respect & your Excellencys resolution that Compulsory Methods shall be used with Such as have not paid due regard to the Intimation you have directed to be given p. 233 them for which we return you our thanks, We find likewise that so far from any provisionary aid being necessary to the fifteen pence ꝑ Hogshead under our old paper money Law that there is the Strongest probability of a great Saving to the Country on that Act and by our Treasurers accounts there appear upwards of four thousand Pounds of Public Money in their Hands. In Circumstances so favourable, we have Considered the Claims recommended by your Excellency at the Opening of this Session, and those which arose for quartering Soldiers, and Carriage and provisions, in the late War, and with much Labour and Strict Justice liquidated those Accounts, & that those Creditors might have a Speedy payment out of the Public money now locked up in the Treasury, which is much wanted in Circulation, we prepared and Sent to the Upper House, a Bill enabling the Commissioners to pay them immediately out of the Gold and Silver in their Hands. The Gentlemen of the Upper house agreed to the liquidation of those Claims, but returned our Bill with a Negative We likewise prepared and Sent to the Upper House, a Journal of Accounts with an allowance of all just Claims what every Other person appeared to us have against the Public, and were in hopes that by its Passage, and the payment of the whole debt as soon as cou'd well be. Public Credit might be again received but that too their Honours refused. On your Excellencys recommendation in your message of the 19.th Instant and a petition of many of our Frontier Inhabitants which then lay before us, Sensibly touched with the Miseries to which those people lie exposed, from the Cruelty of Small Parties of Indians besides the fifty Pounds Bounty allowed by An Act passed this Session for Indian Prisoners and Scalps, which we hope, will in some measure Secure them; we framed a Bill for raising & keeping up a Company of fifty rangers. Exclusive of Officers till the first of October next, But that Bill has been returned to us by the upper House with a Negative, though the designed provision is allowed to be adequate the Military part proposed again to be adopted and as indeed the whole was unexceptionable there have been no reasons given for that Negative.

Thus may it please your Excellency, have we attempted immediately to pay off the Creditors you particularly recommended, in Consideration, no doubt, of the peculiar hardship of their Cases to pay of the whole provincial Debt as Soon as it could be done with tolerable Ease, & thereby restore Public Credit and to provide for p. 234 the Security and protection of the Back Inhabitants, whose deplorable Circumstances we do most Sincerely & feelingly Commiserate, but our Endeavours having thus proved ineffectual and their being no

L. H. J.
Liber No. 52
Nov. 26

further Business before us at this time, we have only to request your Excellency to put and End to the Session.

M^{r} Speaker left the Chair (and attended by the Members of the Lower House) went to the Upper house and there presented to his Excellency the following Ingrossed bills (Viz^{t})

An Ingrossed bill Ent.^{d} An Act to prohibit raising of Swine and Geese in Charles Town in Charles County.

An Ingrossed bill Ent.^{d} An Act empowering the Justices of Prince Georges and Charles Countys to levy on the taxable persons of S.^{t} Johns commonly called King Georges parish in the Said Countys the Sum of fifty Six Thousand Pounds of Tobacco for the necessary Enlargements of their Parish Church.

An Ingrossed Bill Ent.^{d} An Act for imposing an Additional duty of two Pounds ꝑ Poll on all Negroes imported into this Province.

An Ingrossed Bill Ent.^{d} An Act to continue the power of the Several Sheriffs and Collectors (under the Act Ent.^{d} An Act granting a Supply of £40000, for his Majesty's Service and Striking £34015..6..0 thereof in Bills of Credit and raising a Fund for Sinking the same) in collecting and Accounting for the Several sums due in Virtue of that Act.

An Ingrossed Bill Ent,^{d} an Act empowering Richard Richardson of Frederick County to Sell and dispose of the Lands which belonged to his deceased Father Richard Richardson and to Apply the money Arising therefrom to the Uses of his Said Fathers Will.

An Ingrossed Bill Ent.^{d} An Act to impower the Justices of Charles County to levy on the taxable Inhabitants of Port Tobacco Parish in Said County an additional Sum not exceeding two Pounds of Tobacca ꝑ Poll for the further Support of an Organist in the said Parish.

An Ingrossed Bill Ent.^{d} An Act for erecting a Publck School in Frederick County.

p. 235

An Ingrossed Bill Ent.^{d} a Supplementary Act to an Act Ent.^{d} an Act for the Speedy and Effectual publication of the Laws of this Province and for the encouragement of Jonas Green of the City of Annapolis Printer.

And An Ingrossed Bill Ent.^{d} an Act to revive Kent County November Court and to Continue the process therein.

All which his Excellency passed into Laws in the usual form—His Excellency made the following Speech (Viz.^{t})

Gentlemen of the Upper and Lower Houses of Assembly

I have thought fit with the advice of his Lordships Council of State to prorogue this Assembly to the first Tuesday in May next

So endeth this Session of Assembly this 26.th day of Nov.^{r} in the year of our Lord one Thousand Seven hundred and Sixty Three

Test. MMacnemara Cl. Lo. ho.

ACTS OF THE ASSEMBLY PASSED IN OCTOBER–NOVEMBER, 1763

[Editor's Note.—*The recording clerk has been guilty of a confusing error in designating both the first and second acts as "No. 1", thus also numbering incorrectly all the acts which follow. This same error has been made in the case of the acts for both the years 1762 and 1763. The editor has allowed the clerk's incorrect numeration in Arabic figures to remain, but has added in bracketed italicized Roman figures the correct numbers of the acts. The matter is further discussed on page lxxviii.*]

Liber H. S. No. 1 p. 430

At a Session of Assembly begun and held at the City of Annapolis on Tuesday the fourth day of October in the thirteenth Year of the Dominion of the Right Honble Frederick Absolute Lord and Proprietary of the Provinces of Maryland and Avalon Lord Baron of Baltimore and so forth Anno Domini 1763 and ending the 26.th day of November following

The following Laws were enacted and Assented to by his Excellency Horatio Sharpe Esq Governor

No. 1 An Act for the Adjournment of Baltimore County Court

[*No. I*] [Passed 31st of October]

Whereas some of the Attorneys Practicing the Law in the said Court are Members of the Assembly and Obliged to Attend their Duty therein

Bt it therefore enacted by the Right Honourable the Lord Proprietary by and with the Advice and Consent of his Lordships Governor and the Upper and Lower Houses of Assembly and the Authority of the same That all Causes, Pleas, Process and Proceedings either Civil or Criminal now depending in or Returnable to the said County Court to be held the first Tuesday of November in this present Year shall be and are by Virtue of this Act Adjourned and Continued from the said first Tuesday of November untill the fifth Tuesday in the same Month and shall be in the same plight and Condition as they wou'd be on the said first Tuesday in November any law Usage or Custom to the Contrary Notwithstanding

31.st Oct.r 1763.
Read and Assented to by the Lower House of Assembly
Signed ꝑ Order
MMacnemara Clk loho

On behalf of the Right Honble the Lord Proprietary of this Province I will this to be a Law
Horo Sharpe

31.st Oct.o 1763
Read and Assented to by the Upper House of Assembly
Signed ꝑ Order
JRoss Clk Upper H.o

The Great Seal
in Wax appendant

No. 1 [*No. II*] An Act for giving a Bounty for taking Indian Prisoners and other Purposes therein mentioned

Liber H. S. No. 1

[Passed 21st November]

Whereas the Commissioners or Trustees for Emitting Bills of Credit have still remaining in their Hands the sum of Two Thousand one hundred and twenty Pounds of the several sums of Money Appropriated to the payment for Indian Prisoners or Scalps by Virtue of an Act entituled an Act for his Majestys Service and further Security and Defence of the Province, And Whereas Daniel Cresap Michael Cresap, John Walker Nathan Friggs William Young Abraham Richardson and Ezekiel Johnson by their humble Petition have represented to this General Assembly that some time in the Month of July last a party of Indians Came to Col.° Thomas Cresaps of Frederick County in a War like Manner to Attack the said House and family where the Petitioners then were and that upon their being discovered the Petitioners met them in the Field about an hundred Yards from the House, on which an Engagement begun and the Petitioners were so fortunate as to rout the Indians, kill one on the Spot (whose Scalp they presented with the said Petition) wound several others and take some of their Arms, and prayed a reward for the same Scalp and whereas also James Davis of the Colony of Virginia by his humble Petition hath represented to this General Assembly, That in the Month of August last the Petitioner and twenty eight Others who lived on Potomack being informed that a party of Indians had made an Incursion and carryed away a certain James Ciniston and his Wife who lived at Cape Capon on the South side of Potomack, Armed themselves and went in Pursuit of the said Indians who were ten in Number that on the Eleventh day of the same Month they came up with them at a place Called Georges Creek within this Province and released the said Prisoners and in an Engagement which ensued the Petitioner Shot one of the Indians through the Body and Afterwards took of the said Indians Scalp and prayed a reward for the same, All which facts contained in the said Petition do Appear to this General Assembly by proper legal Affidavits to be true,

[Preamble]

p. 431

Be it therefore Enacted by the Right Honourable the Lord Proprietary by and with the Advice and Consent of his Lordships Governor and the Upper and Lower Houses of Assembly and the Authority of the same that the said Commissioners or Trustees for emitting Bills of Credit shall and may and are hereby Ordered and Directed to pay unto the said Daniel Cresap, Michael Cresap, John Walker Nathan Friggs, William Young Abraham Richardson and Ezekiel Johnson the sum of fifty Pounds out of the said sum of two Thousand one hundred and twenty pounds as aforesaid remaining in their Hands and to the said James Davis the sum of fifty Pounds out of the same sum of Two thousand one hundred and twenty Pounds as rewards for the said Scalps so by them Respectively taken,

[100 £ to be paid for two Scalps]

Liber H. S. No. 1

[50 £ to be paid for each Enemy Indian's Scalp]

And Whereas it will greatly tend to the Security of the Frontier Inhabitants amidst the present Indian Disturbances and Incursions to Appropriate the residue of the said sum of two thousand one hundred and twenty Pounds to the taking of Indian Prisoners and Scalps, Be it further enacted that the residue of the said sum of Money in the Hands of the said Commissioners or Trustees after the payment of the said rewards hereby given for the Scalps aforesaid shall be Applied to the payment for Indian Prisoners or Scalps in manner herein after mentioned, That is to say for every Scalp of an Indian Enemy (being the skin of the Crown of the Head) and for every live Indian Enemy, which any Inhabitant of the Province, not being in the pay of this Province as a Soldier, or Indian in Friendship and Alliance with his Majestys Subjects shall produce to any Magistrate of this Province and for every such Scalp taken from any Indian Enemy killed within this Province and every Indian Enemy taken a live within the same by any Person who shall be a resident of any other Province and shall be Produced to a Magistrate as af.^{d} such Magistrate (after Burning or destroying such Scalp shall immediately give such Person or Indian Friend a Certificate under his Hand, which Certificate being produced to the said Commissioners or Trustees such Commissioners or Trustees shall immediately pay to the Person producing the same the sum of fifty Pounds Current Money and the receipt of such Person or Indian on such Certificate shall for such sum be a sufficient Voucher for the said Commissioners or Trustees their Payment of the said sum, And whenever any Person or ffriend Indian shall produce any such Indian Enemy to any Magistrate such Magistrate shall by such Person or Friend Indian with Assistance of such other Person or Persons as by Warrant under his Hand he shall Order and direct, and such Indian Enemy to the Sheriff of the respective County who shall receive into his Goal, and safe keep such Indian Enemy at the Public expence of this Province till legally discharged,

[Or Indian Prisoner]

p. 432

[Before receiving the Bounty, Oath to be made]

Provided always and be it Enacted, That every Person other than an Inhabitant of this Province or Friend Indian who shall produce a Scalp or Indian Prisoner to any Magistrate shall before he receives a Certificate for the same make Oath before the said Magistrate, or give such other Evidence as shall satisfy such Magistrate, that such Indian Prisoner was taken or such Scalp taken from off an Indian Enemy killed within this Province And that every Inhabitant of this Province who shall Produce a Scalp or Indian Prisoner as aforesaid before he shall receive a Certificate as aforesaid shall make Appear as aforesaid that such Scalp was by him taken from off an Enemy Indian slayn by him or by some other Person under whom or in Company with whom he has a right to claim the reward aforesaid or that such Indian Prisoner was Captured by him or by some other Person such as aforesaid

And Whereas there is now remaining in the Hands of the Agents for carrying into Execution the said recited Act and another Act of Assembly entituled an act for granting a Supply of Forty thousand Pounds for his Majestys Service and Striking thirty four thousand fifteen Pounds six shillings thereof in Bills of Credit and raising a fund for sinking the same, a small Ballance unapplied; Be it enacted by the Authority advice and Consent aforesaid that the said Agents shall and may and are hereby directed to pay into the Hands of the said Commissioners or Trustees all such sum or sums of Money as they have received in Virtue of the said recited Acts and is or are now in their Hands unapplied which said Ballance is hereby Appropriated to the Payment for Indian Prisoners and Scalps in manner aforesaid.

Liber H. S. No. 1 [Balance due by 2 Acts to be paid into the Loan Office]

This Act to Continue for and during the Space and Term of one Year and to the end of the next Session of Assembly which shall happen after the end of the said Year [Duration]

27.th Oct.o 1763
Read and Assented to by the Lower House of Assembly
Signed ꝑ Order
MMacnemara Clloho

On behalf of the Right Honble the Lord Proprietary of this Province. I will this be a Law
Hor.o Sharpe

The Great Seal in Wax appendant

27.th Oct.o 1763
Read and Assented to by the Upper House of Assembly
Signed ꝑ Order
JRoss Cl Up Ho

No. 2
[*No. III*]

An Act for Prohibiting all Trade with the Indians for the Time therein mentioned

p. 433 [Passed 21st of November] [Preamble]

Whereas, it is represented to this General Assembly by a Letter from Sir Jeffry Amherst to his Excellency the Governor and by him Communicated to this Present General Assembly that the carrying on a Trade or commerce with our Indian Enemies is of the most Dangerous and Pernicious Consequence and tends to Protract the Hostilities and incursions of those Barbarians

For Remedy thereof be it Enacted by the Right Honourable the Lord Proprietary by and with the Advice and Consent of his Lordships Governor and the Upper and Lower Houses of Assembly and the Authority of the same That from and after the first day of November next it shall not be lawfull for any Person or Persons Whatsoever to trade or Traffick With any enemy Indian or Indians for any Goods, Wares, Commodities, or Merchandizes, whatsoever or to carry or Transport any Goods, Wares, Commodities, or Merchandizes, with intent to Trade or Traffick with any such Indian or Indians under the Penalty of five hundred Pounds Current Money for every Offence to him or them, who will sue for the same to be recovered in any Court of Record within this Province by Action of Debt, Bill, Plaint, or Information wherein no Essoin Protection or Wager of Law shall be Allowed, And if any Person or Persons

[All trade with the Enemy Indians prohibited]

Liber H. S. No. 1 shall be found or detected in Carrying or Transporting any Goods, Wares, Commodities or Merchandizes whatsoever for him or herself or any other with intent to Trade Commerce Deal or Traffick with any Indian or Indians without this Province, such Goods, Wares, Commodities and Merchandizes shall be liable to Seizure by any Person or Persons whatsoever and such Person or Persons so Seizing the same Goods, Wares Commodities and Merchandizes shall at the next County Court to be held for the County wherein such Seizure shall be made give Information to the Court who are hereby Ordered and impowered to Condemn the same Goods to be sold at Publick Auction; and the Money arising from such Sale after Deducting the Cost and Charges of such Condemnation And Sale to be paid to the Person or Persons so Seizing the same Goods or if the Seizure is made out of the Province then the Goods to be brought within this Province and Prosecuted and Condemned at the next Court that shall be held for the County next Adjacent to the place where the Seizure shall be made

[Limitation of Powder and lead to Friend Indians] And to Prevent any Supplys of Amunition being Carried by any of our Friends Indians of this Province to any Indian or Indians out of this Province Be it Enacted by the Authority aforesaid that it shall not be lawfull for any Person or Persons within this Province p. 434 to Sell or give to any Indian Woman or Child any Gun Powder Shot or lead Whatsoever nor to any Indian Man within this Province more than the Quantitys of one Pound of Gun Powder and six Pounds of Shot or lead at any one Time and not those or lesser Quantitys of Powder or Lead oftener than once in Six Months under the Penalty of five Pounds Current Money for every Pound of Gun Powder and for every six Pounds of Shot or Lead Sold or given to any Indian or Indians Contrary to the true Intent and meaning of this Act to the Informer or him or them who will sue for the same to be recovered in the County Court where the Offence shall be Committed together with the Costs of Suit.

[Officers to assist in executing this Act] And be it further Enacted by the Authority aforesaid by and with the Advice and Consent aforesaid That all Sheriffs Constables and other Peace Officers within this Province shall and are hereby Required to be Aiding and Assisting in the Execution of this Act

[Duration] This Act to Continue untill the first day of November which shall be in the Year one thousand Seven hundred and Sixty four and no longer unless a Peace shall be before that time Concluded with the said Enemy Indians and in such Case untill the Conclusion of such Peace and no longer

27.th Oct.^{o} 1763
Read and Assented to by the Lower House of Assembly
Signed ꝑ Order
MMacnemara Clloho

On behalf of the Right Honourable the Lord Proprietary of this Province I will this be a law
Hor:^{o} Sharpe

The Great Seal in Wax appendant

27.th Oct.^{o} 1763
Read and Assented to by the Upper House of Assembly
Signed ꝑ Order
J Ross Clk Upper Ho.

No. 3 [*No. IV*] And Act Continuing an Act entituled an Act for relieving the Inhabitants of this Province from some Aggrievances in the Prosecution of Suits at Law and for Continuing the Supplementary Act thereto. Liber H. S. No. 1 [Passed 21st of November]

Be it Enacted by the Right Honourable the Lord Proprietary by and with the Advice and Consent of his Lordships Governor and the Upper and Lower Houses of Assembly and the Authority of the same That an Act of Assembly of this Province entituled an Act for relieving the Inhabitants of this Province from some Aggrievances in the Prosecution of Suits at law made at a Session of Assembly begun and held at the City of Annapolis the twenty Second day of June Anno Domini one thousand Seven hundred and fourteen And also one other Act entituled a Supplementary Act to the Act for relieving the Inhabitants of this Province from some Aggrievances in the Prosecution of Suits at law made at a Session of Assembly begun and held at the City of Annapolis the third day of October one thousand Seven hundred and twenty eight be and are hereby continued to be and remain in full force for and during the Term of Three Years and unto the end of the next Session of Assembly which shall happen after the Expiration of the said three Years 31.st Oct.o 1763 [Two Acts Continued] p. 435

31.st Oct.o 1763 Read and Assented to by the Lower House of Assembly Signed ꝑ Order MMacnemara Clk lo. Ho.	On behalf of the Right Honourable the Lord Proprietary of this Province I will this be a Law Hor.o Sharpe	31.st Oct.o 1763 Read and Assented to by the Upper House of Assembly Signed ꝑ.r Order JRoss Clk Up Ho.

The Great Seal
in Wax appendant

No. 4 [*No. V*] An Act continuing an Act entituled an Act for increasing the Allowance of Grand and Petit Jurors who shall attend the Provincial Court to limitt Costs with respect to Witnesses and granting them an Allowance for Itinerant Charges [Passed 21st of November] [An Act Continued]

Be it Enacted by the Right Honourable the Lord Proprietary by and with the Advice and Consent of his Lordships Governor and the Upper and Lower Houses of Assembly and the Authority of the same That an Act of Assembly of this Province entituled an Act for increasing the Allowance of Grand and Petit Jurors who shall Attend the Provincial Court to limitt Costs with Respect to Witnesses and granting them an Allowance for Itinerant Charges made at a Session of Assembly begun and held at the City of Annapolis the twenty sixth day of September Seventeen hundred and Sixty be and is hereby continued to be and remain in full Force for and during the Term of three Years and unto the end of the next Session of

Liber H. S. No. 1

Assembly which shall happen after the Expiration of the said three Years

31.st Oct.r 1763
Read and Assented to by the Lower House of Assembly
Signed ꝑ Order
MMacnemara Clk loho:

On behalf of the Right Honourable the Lord Proprietary of this Province I will this be a Law
Hor.o Sharpe

31 Oct.o 1763
Read and Assented to by the Upper House of Assembly
Signed ꝑ Order
JRoss Clk Up Ho

The Great Seal
in Wax appendant

No. 5 [*No. VI*] [Passed 21st of November]

An Act Continuing an Act entituled a Supplementary Act to the Act entituled an Act for the relief of Creditors in England against Bankrupts who have imported Goods into this Province not Accounted for

[Preamble] p. 436

Whereas an Act of Assembly was made at a Session of Assembly begun and held at the City of of Annapolis on the second day of October in the Year of our Lord one thousand seven hundred and fifty three entituled a Supplementary Act to the Act entituled an Act for the relief of Creditors in England against Bankrupts who have imported Goods into this Province not Accounted for hath since by Experience appeared to be a Good and Wholesome Law and very beneficial to the People of this Province

[One Act made perpetual]

Be it enacted by the Right Honourable the Lord Proprietary by and with the Advice and Consent of his Lordships Governor and the Upper and Lower Houses of Assembly and the Authority of the same that the same Act shall be Perpetual and is hereby continued to be and remain in full force for ever

31st Oct.o 1763
Read and Assented to by the Lower House of Assembly
Signed ꝑ Order
MMacnemara Clk lo. Ho

On behalf of the Right Honourable the Lord Proprietary of this Province I will this be a Law
Hor.o Sharpe

31st Oct.o 1763
Read and Assented to by the Upper House of Assembly
Signed ꝑ.r Order
JRoss Clk Up Ho:

The Great Seal
in Wax appendant

No. 6 [*No. VII*] [Passed 21st of November]

An Act Continuing an Act entituled an Act for Preventing Indians disaffected to the British Interest in America from coming into this Province as Spies or on any other evil Design

[One Act continued]

Be it Enacted by the Right Honourable the Lord Proprietary by and with the Advice and Consent of his Lordships Governor and the Upper and Lower Houses of Assembly and the Authority of the same That an Act of Assembly of this Province Entituled an Act for Preventing Indians disaffected to the British Interest in America from coming into this Province as Spies or on any other evil Design made at a Session of Assembly begun and held at the City of Annapolis on the twenty third day of February one thousand Seven hundred and fifty six shall be and is hereby continued to be and remain in full Force for and during the Term of three Years and unto the end of the next Session of Assembly which shall happen after the Expiration of the said three Years Liber H. S. No. 1

31.st Oct.o 1763 Read and Assented to by the Lower House of Assembly Signed ꝑ Order MMacnemara Clk lo Ho	On behalf of the Right Honourable the Lord Proprietary of this Province I will this be a Law Hor.o Sharpe	31.st Oct.o 1763 Read and Assented to by the Upper House of Assembly Signed ꝑ Order JRoss Clk Up Ho

The Great Seal in Wax appendant

No. 7 [*No. VIII*] An Act Continuing an Act entituled an Act to Prevent Persons from Secreting Boats Flats and other Vessels drove by Stress of Weather or Otherwise from Landings and Moorings p. 437 [Passed 21st of November]

[Preamble] Whereas an Act of Assembly was made at a Session of Assembly begun and held at the City of Annapolis on the second day of October in the Year of our Lord one thousand Seven hundred and fifty three entituled an Act to prevent Persons Secreting Boats Flats and other Vessels drove by Stress of Weather or Otherwise from Landings and Moorings hath since by Experience Appeared to be a good and Wholesome law and very beneficial to the People of this Province Be it enacted by the Right Honourable the Lord Proprietary by and with the Advice and consent of his Lordships Governor and the Upper and lower Houses of Assembly and the Authority of the same that the same Act shall be Perpetual and is hereby continued to be and remain in full Force forever [One Act made Perpetual]

31.st Oct.o 1763 Read and Assented to by the Lower House of Assembly Signed ꝑ.r Order MMacnemara Clk lo Ho:	On behalf of the Right Honourable the Lord Proprietary of this Province I will this be a Law. Hor.o Sharpe	31.st Oct.o 1763 Read and Assented to by the Upper House of Assembly Signed ꝑ Order JRoss Clk Up Ho

The Great Seal in Wax appendant

No. 8 [*No. IX*] An Act Continuing an Act entituled an Act to remedy some evils relating to Servants [Passed 21st of November]

[One Act continued] Be it enacted by the Right Honourable the Lord Proprietary by and with the Advice and Consent of his Lordships Governor and the Upper and lower Houses of Assembly and the Authority of the same That an Act of Assembly of this Province entituled an Act to remedy some Evills relating to Servants made at a Session of Assembly begun and held at the City of Annapolis the eighth day of May Anno Domini one thousand Seven hundred and fifty be and is

Liber H. S. No. 1 hereby continued to be and remain in full Force for and during the Term of three Years and unto the end of the next Session of Assembly which shall happen after the Expiration of the said three Years.

31.st Oct.o 1763 Read and Assented to by the Lower House of Assembly Signed ꝑ Order MMacnemara Clk. lo Ho.	On behalf of the Right Honourable the Lord Proprietary of this Province I will this be a Law Hor.o Sharpe	31.st Oct.o 1763 Read and Assented to by the Upper House of Assembly Signed ꝑ Order JRoss Clk Up Ho

The Great Seal in Wax appendant

No. 9 [*No. X*] p. 438 [Passed 21st of November] An Act Continuing an Act entituled an Act to Prevent Masters of Ships & Vessels from Clandestinely carrying Servants and Slaves or Persons indebted out of this Province

[Preamble] Whereas an Act of Assembly of this Province made at a Session of Assembly began and held at the City of Annapolis on the second day of October one thousand Seven hundred and fifty three entituled an Act to prevent Masters of Ships and Vessels from Clandestinely carrying Servants and Slaves or Persons indebted out of this Province hath since by experience appeared to be a Good and Wholesome Law and very Beneficial to the People of this Province Be it therefore enacted by the Right Honourable the Lord Proprietary by and with the Advice and Consent of his Lordships Governor and the Upper and Lower Houses of Assembly and the Authority of the same that the same Act shall be Perpetual and is hereby continued to be and remain in full Force for ever [One Act made perpetual]

31.st Oct.o 1763 Read and Assented to by the Lower House of Assembly Signed ꝑ.r Order MMacnemara Clk lo Ho:	On behalf of the Right Honourable the Lord Proprietary of this Province I will this be a Law Hor:o Sharpe	31.st Oct.o 1763 Read and Assented to by the Upper House of Assembly Signed ꝑ Order JRoss Clk Upper Ho:

The Great Seal in Wax appendant

No. 10 [*No. XI*] [Passed 21st of November] An Act Continuing an Act entituled a Supplementary Act to the Act entituled an Act Ascertaining the Heighth of fences to prevent the Evil Occasioned by the Multitude of Horses and restraining Horse Rangers within this Province, and to redress the great Evil accruing to this Province by the Multiplicity of Useless Horses Mares and Colts that run in the Woods.

One Act continued] Be it enacted by the Right Honourable the Lord Proprietary by and with the Advice and Consent of his Lordships Governor and the Upper and Lower Houses of Assembly and the Authority of the same That an Act of Assembly of this Province Entituled a Supplementary Act to the Act entituled an Act Ascertaining the height of fences to prevent the Evil Occasioned by the Multitude of Horses and restraining horse rangers within this Province and to redress the great Evils accruing to this Province by the Multiplicity of Useless Horses Mares and Colts that run in the Woods made at a Session of Assembly begun and held at the City of Annapolis the eighth day of May Anno Domini Seventeen hundred and fifty be and is hereby Continued to be and remain in full Force for and during the Ter mof three Years and unto the end of the next Session of Assembly which shall happen after the restoration of the said three Years

Liber H. S. No. 1

31.st Oct.o 1763
Read and Assented to by the Lower House of Assembly
Signed ꝑ Order
MMacnemara Clk lo. Ho

On behalf of the Right Honourable the Lord Proprietary of this Province I will this be a Law
Hor.o Sharpe

The Great Seal in Wax appendant

31.st Oct.o 1763
Read and Assented to by the Upper House of Assembly
Signed ꝑ Order
J Ross Clk Up Ho.

No. 11 [*No. XII*] An Act continuing an Act entituled an Act for the Guage of Barrells for Pork Beef Pitch Tar Turpentine and Tare of Barrells for Flower or Bread

p. 439 [Passed 21st of November] [One Act Continued]

Be it enacted by the Right Honourable the Lord Proprietary by and with the Advice and Consent of his Lordships Governors and the Upper and Lower Houses of Assembly and the Authority of the same That an Act of Assembly of this Province entituled an Act for the Guage of Barrels for Pork Beef Pitch Tar Turpentine and Tare of Barrells for flower or Bread made at a Session of Assembly begun and held at the City of Annapolis the fifth day of August Seventeen hundred and forty five be and is hereby continued to be and remain in full Force for and during the Term of Three Years and unto the end of the next Session of Assembly which shall happen after the Expiration of the said three Years.

31.st Oct.o 1763
Read and Assented to by the Lower House of Assembly
Signed ꝑ.r Order
MMacnemara Clk lo Ho:

On behalf of the Right Honourable the Lord Proprietary of this Province I will this be a Law
Hor.o Sharpe

The Great Seal in Wax appendant

31.st Oct.o 1763
Read and Assented to by the Upper House of Assembly
Signed ꝑ Order
J Ross Clk Up Ho:

No. 12 [*No. XIII*] An Act entituled A Supplementary Act to the Act for the relief of Creditors and to Prevent Frauds and Deceits Occasioned by Secret Sales and Mortgages and Gifts of Goods and Chattells

[Passed 21st of November] [Preamble]

Whereas it hath been found by Experience that the setting up Parol Gifts of Negroes and other Slaves where the Donor hath

Liber H. S. No. 1

retained the Possession and use is Productive of disputes and Law Suits and hath a tendency to introduce Corruption and Perjury and that such Gifts have been often Established upon very Slight and Suspicious Testimony; For Remedy thereof be it enacted by the Right Honourable the Lord Proprietary by and with the Advice and Consent of his Lordships Governor and the Upper and Lower Houses of Assembly and the Authority of the same that from and after the end this Session of Assembly no Negro or other Slave whereof the Donor shall retain the Use and Possession shall pass, alter or change or any property thereof be Transferred to any Donee unless the Gift be by Writing under the Hand and Seal of the Donor and Acknowledged before one Provincial Justice or one Justice of the County where the Donor shall reside and Recorded in the Records of the same County within Twenty days from the time of the Execution thereof

[In what manner Slaves may be given]

[Proviso, as to actual Delivery, or Last will] p. 440

Provided always and it is the true intent and meaning of this Act that nothing herein contained shall extend or be Construed to extend to make Void any Parol Gift of any Negro or other Slave when there shall be an express Delivery of such Slaves in Pursuance of such Gift and where the Sole Use and Possession of the same shall be Transferred to the Donee nor to make Void any bequest of any Negroe or other Slave by any last Will and Testament

31.st Oct.o 1763
Read and Assented to by the Lower House of Assembly
Signed ꝑ.r Order
MMacnemara Clk lo Ho:

On behalf of the Right Honourable the Lord Proprietary of this Province I will this be a Law
Hor.o Sharpe

31.st Oct.o 1763
Read and Assented to by the Upper House of Assembly
Signed ꝑ Order
JRoss Clk Up Ho

The Great Seal in Wax appendant

No. 13 [*No. XIV*]

An Act to Aid the Proceedings of the Vestry of S.t Stephens Parish in Cecil County

[Passed 21st of November] [Preamble]

Whereas the Vestry men and Church Wardens of St Stephens Parish in Cecil County by their humble Petition to the General Assembly of this Province have set forth that the Vestry of that Parish were by means of the Small Pox raging in the Neighbourhood Prevented from meeting on Easter Monday in the Year of Lord Seventeen hundred and Sixty, to Elect Vestry Men and Church Wardens as by law they were Required Whereby they Apprehend their Proceedings as a Vestry since that Time are not legal and pray that their said Proceedings may be Aided and made Valid

[Some Proceedings of a Vestry made valid]

Be it therefore enacted by the Right Honourable the Lord Proprietary of this Province by and with the Advise and Consent of his Lordships Governor and the Upper and Lower Houses of Assembly and the Authority of the same that the Proceedings of the Vestry

Men and Church Wardens of S^t Stephens Parish in Cecil County and every Act and thing by them done since the said Easter Monday in the Year Seventeen hundred and Sixty as a Vestry of the Parish af.^{d} be and are hereby made as good and Valid to all intents and Purpose as if Election of new Vestry men and Church Wardens for the Parish af.^{d} had been Actually made on the said Easter Monday in the Year of our Lord Seventeen hundred and Sixty the said Omission Notwithstanding

Liber H. S. No. 1

31.st Oct.^{o} 1763 Read and Assented to by the Lower House of Assembly Signed ꝑ Order MMacnemara Clk lo Ho:	On behalf of the Right Honourable the Lord Proprietary of this Province I will this be a Law Hor.^{o} Sharpe	31.st Oct.^{o} 1763 Read and Assented to by the Upper House of Assembly Signed ꝑ Order JRoss Clk Up Ho:

The Great Seal in Wax appendant

No. 14 [*No. XV*] An Act to empower John Paca Robert Adair Moses Hill and Margaret his Wife to sell and dispose of the Lands therein mentioned late the Lands of William Hammond of Baltimore County deceased for the Payment of the Debts of the said William Hammond

p. 441 [Passed 21st of November]

Whereas John Paca Robert Adair Gentlemen and Margaret Paca (now Margaret Hill) Executors of the Testament and last Will of John Paca Junior late of Baltimore County deceased by their Humble Petition to this General Assembly have set forth. That the aforesaid John Paca Junior on the twelfth day of March Seventeen hundred and forty Six at the instance of Colonel William Hammond late of Baltimore County deceased became Security in a Bond for the said William Hammond in Baltimore County Court to one Richard Moale then an Infant the Orphan of John Moale deceased in the Penalty of one hundred and thirty two Pounds thirteen shillings and five pence Sterling and nine hundred and fifty eight Pounds two shillings and nine Pence Currency Conditional for the Payment of eighty one Pounds six shillings and Eight pence half penny Sterling and four hundred and seventy nine Pounds one shilling and four pence half penny Currency part of the said Richard Moales filial Portion of his said Fathers Estate That the said William Hammond on the twentieth day of Decembr Seventeen hundred and fifty one by Indenture of Bargain and Sale duly Acknowledged and Recorded in Baltimore County records for the Consideration of eighty four Pounds eighteen shillings and five Pence Sterling and Sixty three Pounds seven shillings Current Money did Bargain and Sell to Alexander Lawson of Baltimore County Merchant in ffee two Lotts of Land lying in Baltimore Town and known by the names of Number one and Number Five the lott Number one being the lott whereon the Dwelling House of the said William Hammond

Liber H. S. No. 1 stands and Number Five being the lott where William Govane then kept Store under Condition to be Void on Payment of the Consideration Money and Interest on or before the twentieth day of December Seventeen hundred and fifty four That the said William Hammond died greatly indebted about the Month of January Seventeen hundred and fifty two without discharging the said Bond or Mortgage or any part of the Money mentioned in either of them Possessed of a Considerable Personal Estate and seized in fee amongst others of a tract of Land lying near Baltimore Town called Cole's Addition containing Sixty seven Acres having first made his Testament and last Will in Writing and thereof Appointed his Wife Sarah Executrix and by his said Will did devise the said Sixty seven Acres of Land to his son William the said Lott Number one to his Sons William and Thomas and the said lott Number Five to his Daughters Caroline Belinda and Mary untill they should be Married and afterwards to his Sons Larkin and James in Fee p. 442 since which the said Thomas the Devisee is dead and Caroline and Mary have Married and the aforesaid William Larkin and James others of the Divisees aforesaid was still Infant and the said Colonel William Hammond by his said Will did Order his other Lands to be Sold by his said Executrix for Payment of his Debts which have been all since Sold except his Moiety of a Tract of Land called Cromwells Chance lying in Baltimore County the whole containing two hundred and forty eight Acres which Moiety the said Executrix bargained for the Sale of but before She had received the Consideration Money or executed any Conveyance thereof died Intestate That the whole Personal Estate of the said William Hammond and the Purchase Money of his Lands sold Pursuant to his Will have been applied to the Payment of his other Debts for which it was Scarcely if Quite Sufficient the said Bond or Mortgage still remaining due That the said John Paca junior being liable to the Payment of the Whole of the said Bond to the said Richard Moate in order to charge the Equitable Interest of the said Devisees in the Mortgaged Premises (the legal Estate being vested in the Mortgagee by failure of the Condition) on the sixth day of January seventeen hundred and fifty six the said John Paca Junior paid the said Alexander Lawson the sum of one hundred and five Pounds six shillings and five pence sterling and seventy six Pounds nineteen shillings and four pence Currency being the Consideration Money of the said Mortgage and Interest to that time and took an Assignment of the said Mortgage to himself that the said John Paca Junior (after the Assignment) to Prevent the Houses on the Premises going to decay expended large sums of Money in the repair of the Houses which will nevertheless be in a ruinous and untenantable State long before the said Infants will be capable of releasing the Equity of redemption and the rents arising from the Mortgaged Premises will not be sufficient to keep down the Interest and defray the expenses of Necessary repairs but the Burthen thereon will be daily increasing and tho' now Perhaps the Mortgaged Premises if acquitted of the said Equity of Redemption sell for something more than the Mortgage Money and Interest Yet before the said Infants come of Age the same will not be of as great Value That the said John Paca junior by his last Will and Testament aforesaid impowered and Authorized the aforesaid Petitioners to Sell and dispose of the said Mortgaged Premises (amongst other Lands) for the Payment of his Debts and other Uses of his Will that some of the Devisees aforesaid to wit the aforesaid William Larkin and James being Infants the said Petitioners must be at very great Incertainty in Procureing Justice in the Ordinary Course of Law or Equity and tho' could the said Lands be immediately Sold they might be of some Aid to the said Petitioners Testators Estate the claim will not only be enlarged Whilst a regular Proceeding is carrying on by Interest and expences but the Premisses must Necessarily become less Valuable from the decaying Scituation of the Houses And Whereas it Appears to this General Assembly that the Material Facts set forth in the said Petition are true and that the said Petitioners are Executors of the said John Paca Junior and that the said Moses Hill has since the said Petition was preferred married the said Margaret Paca one of the Petitioners and the said Petitioners have prayed relief in the Premisses It is therefore prayed that it may be enacted And be it Enacted by the Right Honourable the Lord Proprietary by and with the Advice and Consent of his Lordships Governor and the Upper and Lower Houses of Assembly and the Authority of the same That the said John Paca Robert Adair Moses Hill and Margaret Hill and the Survivors and Survivor of them shall be and are by Virtue of this Act impowered to set up and expose to Sale at Publick Vendue to the highest bidder the said two lotts of Ground and Premisses with the Appurtenances so as aforesaid Mortgaged by the said William Hammond to the aforesaid Alexander Lawson and by him Assigned as aforesaid to the aforesaid John Paca junior and the Equity of Redemption of in and to the said Mortgaged Premisses and also set up and expose to Sale at a Publick Vendue to the highest bidder the said other Lands of the said William Hammond in his Petition aforesaid mentioned to wit Cole's Addition containing Sixty seven Acres and the said William Hammond's Moiety of Cromwells Chance the whole Tract Containing two hundred and forty eight Acres three Months notice of the said Sale and the time and place of such Vendue being first given in the Maryland and Pensylvania Gazettes and the said two lotts of Ground the said Tract of Land called Cole's Addition and the said William Hammonds Moiety of the said Tract of Land called Cromwell's Chance and each and every of them and every part of them and

Liber H. S. No. 1

p. 443

Liber H. S. No. 1 Premises with the Appurtenances And all the Estate Right Title Interest Use Trust property claim and Demand as well in law as in Equity of him the said William Hammond at the time of his Death of his Heirs since his death and of the said Alexander Lawson and John Paca Junior of into and out of the said Mortgaged Premises and of into and out of every part and Parcell thereof and all the Estate Right Title Interest Use Trust Property Profit Claim and Demand of him the said William Hammond at the time of his Death in Law or Equity of into and out of the said Tract of Land called Cole's Addition and the same Moiety of the said Tract of Land called Cromwell's Chance and of into and out of every part and Parcel of them to make over and Convey by Indenture of Bargain and Sale or by any other purpose Conveyance or Conveyances in the Law to the Person or Persons who shall bid and give the best and highest Price therefore as effectually and fully to all intents and Purposes as if the said John Paca Robert Adair Moses Hill and Margaret his Wife or the Survivors or Survivor of them were or was Seised in their or his own Right of and in the like Estate in the said Mortgaged Premises and the said Tract of Land called Coles Addition and the same Moiety of Cromwells Chance as
p. 444 the said William Hammond was Seised of at the Time of his Death and the Money Ariseing from or on such Sale of the said Mortgaged Premisses to apply to the discharge of the said Mortgage and the overplus if any together with the Monies arising from or on such Sale or Sales of the said Tract of Land called Cole's Addition and the Moiety of the said Land Called Cromwell's Chance to lay out or Apply and dispose for and towards the Payment and Satisfaction of the said Bond passed as aforesaid to the said Richard Moale or what may be legally due thereon and other debts of the said William Hammond at the time of his Death if any thereof still remain unpaid and the Overplus thereof if any shall be and remain and shall be secured for and paid to such Person or Persons as by the said Will of the said William Hammond the said Lotts were devised in Proportion to the Value of the said Lotts and the Quantity and Quality of each Persons Estate therein by the Will aforesaid of him the said William Hammond And to the end that discovery may be made of such Overplus if any should be And that the same may be duly secured Accordingly Be it Enacted that the said John Paca Robert Adair Moses Hill and Margaret his Wife or the Survivor of them shall before such Sale or Sales as aforesaid give Bond in the Penalty of two thousand Pounds Current Money with Sufficient Sureties to the Deputy Commissary of Baltimore County in the same manners and fform as is usual for Executors to give (which said Bond shall be by the said deputy Commissary transmitted to and lodged in the Prerogative Office in Annapolis) with Condition to the same Bond annexed that the said Obligors in

the same Bond named shall dispose of and Account for the Monies arising by such Sale or Sales agreable to the intention of this Act and shall at such Sale or Sales produce a Certificate from the said Deputy Commissary of such Security having been given and also that the said John Paca Robert Adair Moses Hill and Margaret his Wife shall within six Months after the Sale as aforesaid Account with the Commissary for the Produce of such Sale and give Security for the Ballance if any in the same Manner as if the same was properly Personal Estate to be divided and paid According to the true intent and meaning of this Act Provided always and be it enacted that this shall not extend to impower the said John Paca Robert Adair Moses Hill and Margaret his Wife or any or other of them to burthen or charge the Orphan or Orphans of the aforesaid William Hammond or any Person or Persons claiming by from or under them or any of them with any General or other Warranty than against the said William Hammond and his heirs Saving to his most sacred Majesty his heirs and Successors the Right Honourable the Lord Proprietary his Heirs and Successors and to all Bodies Politic and Corporate and all others not mentioned in this Act their Several and Respective Rights

Liber H. S. No. 1

5.thNovember 1763
Read and Assented to by the Lower House of Assembly
Signed ꝑ.^{r} Order
MMacnemara Clk. lo Ho:

On behalf of the Right Honourable the Lord Proprietary of this Province I will this be a Law
Hor.^{o} Sharpe

5.th Novem.^{r} 1763
Read and Assented to by the Upper House of Assembly
Signed ꝑ Order
JRoss Clk. Up Ho:

The Great Seal
in Wax appendant

No. 15
[*No. XVI*]

A Supplementary Act to an Act entituled an Act for erecting a County School in Worcester County and Appointing Visitors for the same.

p. 445
[Passed 21st of November]
[Preamble]

Whereas by Virtue of the said Act for erecting a County School in Worcester County and Appointing the Visitors for the same and of another Act entituled an Act for the Encouragement of Learning and erecting Schools in the several Countys within this Province the Visitors of the same County School are Authorized and directed to Purchase one hundred Acres of Land or more for the Use of the said School

And Whereas it is represented to this General Assembly that the funds of the said School are insufficient for Purchasing so large a Quantity of Land that it will be more Commodious and convenient to Purchase in Lieu thereof four lotts of Ground in the Town of Snow Hill for the use of the said School Be it therefore enacted by the Right Honourable the Lord Proprietary by and with the Advice and Consent of the Lordships Governor and the Upper and Lower Houses of Assembly and the Authority of the same That the Visitors

[Visitors of Worcester to purchase Four Lots in Snow Hill]

Liber H. S. No. 1

of the said School for the Time being or the Major part of them be and are hereby Authorized impowered and directed with all convenient Speed to Purchase four Lotts of Ground in the Town of Snow-Hill in the said County to them and their Successors forever for the use of the said School and Cause to be erected and built a Public School for the County aforesaid on such part of the said four Lotts of Ground as for that Purpose shall be Assigned by the said Visitors or the Major part of them

[And to receive a Moiety from the Visitors of Somerset]

And Whereas at the Time of the erecting the said County of Worcester by the Division of Somerset County there was a very Considerable sum of Money in the Hands of the Visitors of Somerset County School which still remains in their Hands one Moiety whereof ought in Equity and Concience to be Applied to the use of Worcester County School

Be it therefore enacted by the Authority aforesaid That the Visitors of Somerset County School for the time being shall be and are hereby made Accountable to the Visitors of Worcester County School and are hereby ordered and enabled to pay to them one Moiety of the money which was in the Hands of the said Visitors of Somerset County School at the Time of the Division aforesaid of the said County of Somerset and the said Visitors of Worcester County School for the Time being are hereby impowered to demand and receive from the said Visitors of Somerset County School for the Time being, the said Moiety for the use of Worcester County School and in Case of Refusal, to Sue and implead the said Visitors of Somerset County School for the Time being to Account of the Same Moiety and to pay the same to them for the Use of Worcester County School aforesaid.

[But not to be paid out of their private Monies]

Provided always and be it enacted that the Visitors of Somerset County School for the Time being shall not be answerable to Satisfy the Money Appearing due by the Account to be rendered or recovery to be had as af.^{d} out of their own private Moneys or Estate but that the same be paid and Satisfied, or if necessary levied out of the Monies belonging to the said Somerset County School now in the Hands of the Visitors thereof or the Treasurers or which shall hereafter come to their or any of their Hands

p. 446

[School Money in the Hands of the late Treasurer of the Eastern Shore]

And Whereas at the Time of the Division of the said County of Somerset there was in the Hands of James Hollyday Esq.^{r} Deceased late Treasurer of the Eastern shore sundry sums of Money owe to Somerset County School w:^{ch} still remains in the Hands of James Hollyday Esquire his Executor one Moiety of which ought in Equity and Conscience to be Applied to the Use of Worcester County School.

Be it therefore enacted by the Authority aforesaid that the said Visitors of Worcester County School for the Time being or the

Major part of them shall and are hereby impowered and directed to receive from the said James Hollyday Esqꝫ his Executor the one Moiety of all such sum and sums of Money which at the Time of the Division of the County of Somerset were in the Hands of the said late Treasurer due to Somerset County School and the said James Hollyday Esqꝫ is hereby Authorized impowed and directed to pay the same to the Visitors of Worcester County School for the Time being or the Major Part of them or their Order or Orders for the Use of Worcester County School

Liber H. S.
No. 1

11.th Novemb.r 1763
Read and Assented to by the Lower House of Assembly
Signed ꝑ Order
MMacnemara Clk lo Ho:

On behalf of the Right Honourable the Lord Proprietary of this Province I will this be a Law
Hor.o Sharpe

11.th Novem.r 1763
Read and Assented to by the Upper House of Assembly
Signed ꝑ Order
JRoss Clk Up Ho:

The Great Seal
in Wax appendant

No. 16
[*No. XVII*]

An Act for the Adjournment and Continuance of Frederick County Court

[Passed
21st of
November]

Whereas some of the Attorneys practicing the Law in the said Court are Members of the Assembly and Obliged to Attend their duty therein Be it therefore enacted by the Right Honourable the Lord Proprietary by and with the Advice and Consent of his Lordships Governor and the Upper and Lower Houses of Assembly and the Authority of the same That all Causes pleas Process and proceeding either Civil or Criminal now Depending in or returnable to the said Court on the third Tuesday of November Seventeen hundred and Sixty there shall be and are by Virtue of this Act Adjourned and Continued untill the Second Tuesday in December next and shall then be in the same Right State and Condition as they would be on the said third Tuesday of November

14.th Novem.r 1763
Read and Assented to by the Lower House of Assembly
Signed ꝑ Order
MMacnemara Clk lo Ho

On behalf of the Right Honourable the Lord Proprietary of this Province I will this be a Law
Hor.o Sharpe

14.th Nov.r 1763
Read and Assented to by the Upper House of Assembly
Signed ꝑ Order
JRoss Clk Up H:

The Great Seal
in Wax appendant

No. 17
[*No. XVIII*]

An Act for Amending the Staple of Tobacco for Preventing Frauds in his Majestys Customs and for the Limitation of Officers ffees

[Passed 26th
November
1763]
[Preamble]

Whereas it is thought Convenient by this General Assembly to have a Law for Preventing the Exportation of bad, unsound, and Trashy Tobacco and to Prevent the many Frauds in deceiving his Majesty of his Customs and for Limitation of Officers Fees.

Liber H. S. No. 1

[No Tobacco to be exported 'til first brought to a public Warehouse]

Be it therefore enacted by the Right Honourable the Lord Proprietary by and with the Advice and Consent of his Lordships Governor, and the Upper and Lower Houses of Assembly and the Authority of the same, That all Tobacco which shall be exported out of this Province from and after the last day of November Seventeen hundred and Sixty three shall be first brought to some or one of the Publick Warehouses herein after mentioned and shall be there Viewed and inspected in manner as herein after expressed, except such Tobacco as hath been or shall be, inspected before the said last day of November under any Act of Assembly of this Province

[All Tobacco for Exportation to be taken on board at some public warehouse, after the same is Inspected]

And be it further enacted by the Authority aforesaid that no Person shall put on Board or receive into any Ship, Sloop, boat, or other Vessell in order to be exported therein any such Tobacco not packed in Hogsheads, Casks or Cases upon any Pretence Whatsoever; nor in any Hogshead, Cask, or Case, to be in that or any other Ship, Sloop or Vessell exported Out of this Province, before the same shall have been Viewed and inspected, according to the Directions of this Act (except as before excepted) But that all such Tobacco to be received or taken on Board any Ship Sloop or other Vessel and to be therein exported or to be carried or put on Board any other Ship Sloop or Vessel for exportation as aforesaid shall be received or taken on Board at the Several Warehouses for that Purpose herein after mentioned or some or one of them and at no other Place or Places Whatsoever And every Master Mate or Boatswain which shall Arive in this Province in order to lade Tobacco during the Continuance of this Act shall before the Ship or Vessell be permitted to take on Board any such Tobacco make Oath or Affirmation if a Quaker before the Naval Officer of the district wherein such Ship or Vessel shall Arive (which Oath the said Naval Officer is hereby empowered and required to A minister) That they will not Permit any such Tobacco to be taken on Board their respective Ships or Vessels except the same be packed in Hogsheads Casks or Cases Stamped by some inspector as by law directed legally thereunto Appointed Which Oath they shall Subscribe in a Book to be kept by the Naval Officer for that Purpose And if any such Master shall cause any Person who is not really and Bonafide Mate or Boatswain of the Ship or Vessel to come on Shore and take such Oath he shall for the said Offence forfeit and pay four thousand eight hundred Pounds of Tobacco and if any Master or Commander of any Ship or Vessel shall take on Board or suffer to be taken on Board the Ship or Vessel whereof he is Master any Tobacco brought from any other place, than some or one of the Publick Warehouses herein after mentioned as any Hogshead Cask or Case of Tobacco not Stamped by some lawfull inspector or shall suffer to be brought on Board any Tobacco except in Hogsheads Casks or Cases Stamped as aforesaid every such Master and Com-

[An Oath to be administered to Masters, Mates, and Boatswains of Vessels, before taking Tobacco on board]

[Penalty in case of Default] p. 448

mander shall forfeit and pay four thousand eight hundred Pounds of Tobacco for every Hogshead Cask or Case of Tobacco which shall not have been brought from one of the Publick Warehouses or which shall not be Stamped as aforesaid and moreover every such Hogshead Cask or Case of Tobacco shall be forfeited

[No Tobacco to be taken on board any Sloop, Boat etc in Bulk or Parcels]

And forasmuch as the Permitting Tobacco in Bulk or Parcel to be Water-Born on pretense of being carried to the Warehouses established by this Act may give great Opportunity to the Clandestine running the same on Board the Ships lying at or near the said Warehouses whereby the evil of exporting Trash Tobacco may be still continued

[Penalty and Punishment of Persons conniving at the taking on board such Tobacco]

Be it further Enacted by the Authority aforesaid That if any Person taking upon himself to carry any Tobacco to or from any of the said Warehouses in his Sloop Boat or other Vessel for hire shall Persume to take on Board or Permit or suffer to be taken on Board any Tobacco whatsoever in Bulk or Parcells such Tobacco shall not only be forfeited and may be seized by any Person or Persons Whatsoever but such Master or Shipper Offending herein shall forfeit any pay Two hundred and forty Pounds of Tobacco for every hundred Pounds weight of such Tobacco and so Proportionably for a greater or lesser Quantity and the Master or commander of any Ship or Vessel wherein any Tobacco in Bulk or Parcell shall be found shall over and above the Forfeiture thereof be liable to the same Penalty To be recovered if it doth not exceed Twelve hundred Pounds of Tobacco before any three Justices of the Peace of any County near the Place where such Ship Sloop or Boat or other Vessell shall lie and if it Exceeds twelve hundred Pounds of Tobacco in any Court of Record by Action of Debt wherein the Plaintiff shall recover Costs and every Servant Slave or other Person employed in Navigating any such Sloop Boat or other Vessell who shall connive at or conceal the taking or receiving on Board any Tobacco in Bulk or Parcell as aforesaid shall by Order of any one Justice receive on his bare Back Thirty nine Lashes well laid on and if such Sloop Boat or other Vessel be under the care and Management of a Servant who cannot Satisfy and pay the said Penalty then such Servant and every other Person employed under him who shall be Guilty of Conniving at or Concealing the taking on Board Tobacco in Bulk or Parcell as aforesaid shall upon Complaint thereof made to any Justice of the Peace have and receive by Order of the said Justice Thirty nine Lashes well laid on and if such Servant shall be again Trusted with the Care and Management of any Sloop Boat or other Vessel and shall be Convicted a Second Time of taking or receiving on Board the same any Tobacco in Bulk or Parcell Contrary to the Directions of this Act the Owner of such Servant shall forfeit and pay the like sum of two hundred and forty Pounds of Tobacco for very hundred Pounds weight of such Tobacco and so in Proportion for a greater or less Quantity so taken or received on Board in Bulk or Parcell and shall also forfeit and pay Sixty Pounds of Tobacco for every day such Servant shall thereafter be employed as Skipper or Master of any Sloop Boat or other Vessell to him belonging To be recovered and Applied as aforesaid

[Proviso, in regard to Tobacco for the Payment of Levies, Debts etc]

Provided always that nothing herein before contained shall be construed to Prohibit any Person from carrying or causing to be carried to the said Warehouses in any Boat or other Vessell any Tobacco in Bulk or Parcells for the Payment of his or her Levies Debts or other duties nor to Prohibit any Person to put or take on Board any Sloop Boat or other Vessel any Hogsheads Casks or Cases of Tobacco to be Waterborn to any Warehouse or Warehouses Appointed by this Act so as the same be not carried out of the Naval Officers district wherein the said Tobacco shall be made nor to prohibit the owner of any Tobacco to transport his Crops or any part thereof in Hogsheads Casks or Cases from one place to another for the better handling and managing thereof nor any Purchaser of Tobacco from bringing the same by Water to be repacked Sorted Stemed or prized before the same be carried to the said Warehouses so as such last mentioned Tobacco be packed in Hogsheads Casks or Cases

[No Tobacco to be relanded but at Inspection Houses; nor to be taken out of cask by any Skipper, etc. before inspected: Nor taken out fraudulently after Inspection]

And be it further enacted That if the Skippers of any Sloop Boat or other Vessel or other Person or Persons to whom the care and Management thereof shall be entrusted shall Land or put on Shore any Hogshead Cask or Case of Tobacco put on Board the same to be carried to any Publick Warehouse at any other Place or Places than the Warehouse or Warehouses by this Act Appointed for the reception and inspection of Tobacco or at some or one of them or the Wharffs or other Landing to such Ware House or Warehouses belonging or shall put the same on Board any other Vessel or suffer the same to be done so as the same be not delivered at some of the said Publick Warehouses without fraud or Imbezzlement or shall open any Hogshead Cask or Case of Tobacco so as aforesaid Waterborne and landed and take thereout any Tobacco before the same be viewed by some Inspector or Inspectors According to the Directions of this Act or after the same has been Viewed shall fraudulently open any Hogshead Cask or Case and take thereout any Tobacco every such Offence shall be Adjudged Felony and the Offender or Offenders shall suffer by Whipping and Pillorying and paying four Fold as in Case of Felony

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[Proviso, in case of Distress of Weather]

Provided always that nothing herein before contained shall be construed to Prohibit the Landing or putting on Shore any Hogshead Cask or Case of Tobacco out of any Sloop Boat or other Vessel so as such Landing be really and bonafide for the Preservation of the Tobacco Laden in such Vessel and that the same be with all convenient Speed Carried thereafter to the Warehouse or Ship (as the Case shall be) to which it was designed without Imbezzelment

[Tobacco damaged in its Carriage to the Ship, may be re-landed, separated, and repacked]

Provided also that if by any Accident or Negligence of the Masters or Skippers of any Vessell any Tobacco which hath been Viewed and Stamped shall in its Carriage to the Ship in which it is intended to be exported receive so much Damage as the Master of such Ship will not receive it on Board every Hogshead Cask or Case of Tobacco so Damnified shall with all Convenient Speed be carried to some Warehouse appointed by this Act and there lodged untill the owner of such Tobacco or Master of the Vessell in which it was Damaged shall have seperated the same and then the remaining good Tobacco shall be Stamped by the Inspector or Inspectors Attending such Warehouse without Fee or reward

[Inspectors to give Bond with Sureties for the due Execution of their office]

Provided always that every Person appointed so to be Appointed an Inspector by Virtue of this Act shall Yearly before he enters upon the Execution of the said Office enter into Bond with Good Surety before two Magistrates of the County wherein the inspecting House at which such Inspector shall serve is Situate in the Penalty of forty eight Thousand Pounds of Tobacco payable to the Lord Proprietary his Heirs and Successors with Condition for the true and faithfull Performance of his duty according to the Directions of this Act and shall also take the following Oath or Affirmation if a Quaker that is to say

[The Oath]

"You shall Swear (or Affirm) that you will diligently and carefully view and examine all Tobacco brought to any Publick Warehouse or Warehouses where you are Appointed to be Inspector and all other Tobacco which you shall be called upon to View and inspect and that you will not receive any Tobacco thát is not in your Judgment sound well Conditioned Merchantable and clear of Trash nor receive pass or Stamp any Tobacco or Hogshead Cask or Case of Tobacco Prohibited by an Act of Assembly entituled an Act for amending the Staple of Tobacco for Preventing Frauds in his Majestys Customs and for the Limitation of Officers fees, and that you will receive pass and Stamp all Tobacco that is sound well Conditioned Merchantable and Clear of Trash and in all Things well and faithfully discharge your duty in the Office of an Inspector According to the best of your Skill and Judgment and According to the Directions of the said Act without Fear Favour Affection Malice or Partiality So help you God" Which Oath or Affirmation shall & may be taken before any one Justice of the Peace for the County where such Inspector shall Officiate and by such Justice Certified to the Vestrymen and Church Wardens of the Parish and an entry thereof made in the Book which the said Vestry are Obliged to keep by this Act And if any Person shall Presume to execute the Office of an Inspector before he has given such Bond and taken such Oath or Affirmation as aforesaid as also the Oaths or Affirma-

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tions Prescribed by law to be taken to the Government and Subscribe the Oath of Abjuration and repeat and Subscribe the Test he shall forfeit and pay eighty Thousand Pounds of Tobacco

[Times of the Inspectors Attendance]

And be it further enacted That all Inspectors to be appointed by Virtue of this Act shall Attend their duty at the Warehouse or Warehouses under their charge from the first day of November to the first day of April as often as required and Constantly from the said first day of April to the last day of July Yearly (except Sundays and the Hollydays Observed at Christmas Easter and Whitsuntide or when hindered by Sickness or in such Cases wherein this Act shall Otherwise Provide) And afterwards they or one of them shall Constantly Attend at the same (except on Sundays) to deliver out Tobacco for exportation till all the Tobacco remaining there the said last day of July shall be so delivered And every Inspector Neglecting to Attend as aforesaid shall forfeit and pay to the party Grieved Sixty Pounds of Tobacco for every Neglect or shall be liable to the Action upon the Case of the said Party grieved to recover all Damages which he or she shall have sustained by Occasion of any such Neglect together with his or her full Costs at the Election of such Party And all Inspectors shall uncase and break away every Hogshead Cask and Case of Tobacco brought to them to be inspected as aforesaid And if the Inspectors or Inspector (where one only is Appointed by this Act) shall be of Opinion that the same is sound well conditioned Merchantable and clear of Trash then such Tobacco shall be Weighed in Scales with Weights of the Lawfull Standard and the Hogshead Cask or Case shall also be weighed by the said Inspector or Inspectors and Stampt and marked with a hot Iron on the head and Bulge in the Presence of the said Inpector or Inspectors as the Case shall be with the name of the Warehouse at which the Tobacco therein contained shall be viewed and inspected and also with the Tare of the Hogshead Cask or Case and Quantity of Nett Tobacco therein contained. But if at any House for which by this Act two Inspectors are Appointed the said Inspectors shall at any Time Disagree concerning the Quality of any Tobacco brought for their Inspection to any Warehouse under their charge they shall without delay or as soon as Conveniently may be call from the next Adjacent Warehouse or Inspection another Inspector who shall Determine the Difference and pass or reject such Tobacco And when any Inspector shall bring his own Tobacco to the Warehouse whereof he is Inspector the same shall not be passed or Stamped unless it be first viewed examined and found Good and Qualified as aforesaid by the other Inspector there Attending or by one or both the Inspectors as the Case shall require from the next Adjacent Warehouse and in Case that any Inspector shall bring his own Tobacco to the Warehouse whereof he is the only Inspector the

[Penalty for Neglect]

[The duty of Inspectors]

[What is to be done when Inspectors disagree]

[Inspector's own Tobacco]

same shall be first Viewed and examined as aforesaid by the Inspector or Inspectors of the next Adjacent Warehouse

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And be it further enacted That it shall and may be Lawfull in Case of the Sickness or other Disability of one Inspector that the other may by himself and he is hereby Authorized and impowered to do and execute all the Powers and Authorities which by this Act the two Inspectors together might do as fully to all intents and Purposes as if they were both Present Provided that if any Inspector should not be really Sick but under Pretense thereof Absents himself from the Warehouse he ought to Attend and from the doing his duty there he shall forfeit and pay for every day he shall Absent himself the sum of three hundred and Twenty Pounds of Tobacco to be recovered before one Magistrate as in Case of Small Debts one half thereof to the Use of the Informer and the other to the several and Respective Counties to defray the expence that hath or may Accrue in the due Execution of this Act And also Provided That the inspector so Acting alone shall be Answerable for all and every the Hogsheads or Parcells of Tobacco so by him inspected and passed and that his Bond shall and may if Occasion be, be sued for any Breach of the Condition thereof by such Inspector Committed during the Absence of such Sick or disabled Inspector

[Feigning sickness, the penalty]

[Inspector acting alone]

[In case both Inspectors should be sick, they must appoint]

And be it further enacted That if it shall hereafter happen that both the Inspectors at any House shall at the same Time be Sick or disabled and thereby Prevented from Attending their duty that then and in such Case only it shall and may be Lawful for each of the said Inspectors and they and each of them are hereby required to Nominate and Appoint one other Person being a Sufficient Planter and well Skilled in Tobacco which two Persons so as aforesaid to be Appointed are to view Inspect pass and Stamp or refuse the Tobacco brought to the said House during the Sickness or disability of such Sick or Disabled Inspectors each of the said two Persons so Appointed first taking the Oath of Office and other Oaths (or Affirmation if a Quaker) directed by the Act to be taken by Inspectors and Subscribing the Oath of Abjuration and repeating and Subscribing the Test and the said Sick or disabled inspectors and their Sureties shall still be Answerable for the said Tobacco so by the Persons by them Severally Appointed Inspected and passed in the same manner as if they and each of them had Personally Officiated

[Two other Persons, who must be sworn.]

[But themselves be answerable]

[Where there is but one Inspector, and he sick, he must appoint]

And be it further enacted That if it shall hereafter happen that the Inspector at any House where but one is by this Act Appointed shall be Sick or disabled and thereby Prevented from Attending his duty that then and in such Case it shall and may be Lawful for such Inspector and he is hereby required to Nominate and Appoint one other Person being a Sufficient Planter and well Skilled in Tobacco which Person so as aforesaid to be Appointed is to view In-

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[One other who must be sworn]

spect pass and Stamp or refuse the Tobacco brought to the said House during the Sickness or disability of such Sick or Disabled Inspector (the said Person so Appointed first taking the Oath of Office and other Oaths (or Affirmation if a Quaker) directed by this Act to be taken by Inspectors and Subscribing the Oath of Abjuration and repeating and Subscribing the Test and the said Sick or disabled Inspector and his Sureties shall still be Answerable for the said Tobacco so by the Person by him Appointed Inspected and Passed in the same Manner as if he had Personally Officiated

[But himself to be answerable]

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[Notes to be given by Inspectors for Tobacco brought to the Warehouses for Payment of Debts;]

And be it further enacted That if any Tobacco shall be Brought to any of the said Warehouses the said Inspectors or one of them in Case of Sickness or other Disability where two are Appointed to Attend such House or the Inspector if one only is Appointed to Attend after he or they hath or have viewed examined and Weighed the said Tobacco According to the Directions of this Act shall be Obliged to deliver to the Person bringing the same as many Promissory Notes under the Hands of the said Inspectors or Inspector as shall be required for the full Quantity received by them or him in which shall be expressed Whether the Tobacco so received be stemmed Leaf or Coloured which Notes shall and are hereby declared to be Current in all Tobacco Payments whatsoever in the County where the Tobacco shall be Inspected According to the Species expressed in the Note and shall be Transferrable from one to another in all such Payments except as herein is excepted and shall be paid and Satisfied by the Inspector or Inspectors who signed the same upon Demand and for every Hogshead of Tobacco brought to any Publick Warehouse for the discharge of any Public or Private Debt in good Cask of such Dimensions as herein after expressed there shall be allowed by the Inspector or Inspectors thereof to the Person bringing the same after the rate of four Pounds of Tobacco for every hundred Pounds the Tobacco therein contained shall weigh after the same shall be viewed and passed And the said Inspector or Inspectors shall and are hereby Obliged to make every Hogshead by him or them paid away in discharge of any Note by him or them given as aforesaid to contain one Thousand Pounds of Nett Tobacco at the least exclusive of the Allowance for the Cask and for every such Hogshead of Tobacco by him or them paid away well lined and nailed fit for Shipping there shall be paid by the Person receiving such Hogshead fifty six Pounds of Tobacco for Inspecting and four Pounds of Tobacco for Nails which said Sum of four Pounds of Tobacco the said Inspectors or Inspector shall and may retain in his or their Hands for his or their own Use to reimburse him or them the expence of Providing Nails And the Person Demanding or receiving Tobacco in discharge of Notes as aforesaid shall Allow to the Inspector or Inspectors four Pounds of Tobacco per Centum for the Cash and two Pounds of Tobacco for every

[To be current and Transferable.]

[Allowance of 4 Per Cent, for Tobacco brought in good Cask.]

[Weight]

[Allowance to Inspectors for Nails etc]

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[Shrinkage]

hundred Pounds of Tobacco Contained in such Notes and so Proportionably fór a Greater or lesser Quantity for Shrinkage and Wasting if the said Tobacco be Paid at any Time within two Months after the date of the Note given for the same and one Pound of Tobacco for every Hundred for every Month the same shall be unpaid after the Said Allowance so as such Allowance for Shrinkage and Wasting do not exceed in the whole Six Pounds of Tobacco for every Hundred and if any Inspector or Inspectors by whom any such Notes for Tobacco as aforesaid shall be Signed shall refuse or delay to pay and Satisfy the same when Demanded every Inspector so refusing or delaying shall forfeit and pay to the Party Injoined double the Value of the Tobacco so refused or delayed to be paid to be recovered with Costs in any Court of Record within this Province if the Note or Notes so refused or delayed to be paid exceed six hundred Pounds of Tobacco and if the said Note or Notes do not Exceed six hundred pounds of Tobacco double the Value aforesaid shall and may be recovered before any Justice of the Peace of the County wherein the Warehouse shall be at which the Note or Notes ought to be Paid

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[Inspectors not to delay Payment]

[The Penalty]

[Inspectors not to give Notes unless they have the Tobacco]

And be it further enacted That no Inspector or Inspectors shall hereafter on any Pretence Whatsoever presume to give out any Promissory Note or Notes for Tobacco to any Person Whatsoever unless he or they shall have Actually received and Passed the full Quantity of Tobacco for which such Note or Notes shall be given under the Penalty of his or their Forfeiting of his or their Years Sallary nor shall any Inspector or Inspectors hereafter Presume to give out any Crop Note or receipt in Lieu of Transfer Tobacco unless the Hogshead of Tobacco for which such Note or Receipt shall be so given out shall be Actually and Bonafide prized and ready to be delivered for Exportation under the Penalty of eight Hundred Pounds of Tobacco for every Crop Note or receipt so given out

[Penalty]

[Inspected Hogsheads to be stamped]

And be it further enacted by the Authority aforesaid That all Tobacco brought to any of the said Warehouses in Hogsheads Casks or Cases to be exported on Account and for the use of the Owner thereof after the same shall have been viewed examined and Weighed and found to be Good shall be Stampt as herein before directed And the said Inspector or Inspectors shall deliver to the Person bringing the same as many Receipts signed as aforesaid as shall be required for the Number of Hogsheads so brought and Stampt And for every Hogshead Cask or Case brought to any of the said Warehouses on the Eastern Shore to be exported on Account and for the Use of the Owners thereof their shall be Paid to the Inspector or Inspectors there Attending twenty eight Pounds of Tobacco for viewing examining and Stamping the same and the

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[28℔ of Tobacco allow'd on the Eastern Shore to be Paid the Inspectors] [24℔ on the Western]

owners of the said Tobacco shall find and Provide Nails for the Nailing thereof And for every Hogshead Cash or Case brought to any of the said Warehouses on the Western Shores to be exported on Account and for the use of the Owners thereof there shall be paid to the Inspector or Inspectors there Attending Twenty four Pounds of Tobacco for viewing examining and Stamping the same and the Owners of the said Tobacco shall find and Provide Nails for the nailing thereof

[What is lawful Tender]

And be it further enacted That during the Continuance of this Act no tender of any Debt or duty payable in Tobacco shall be accounted Lawfull unless Payment of the same shall be tendered in Inspector or Inspectors Notes or Receipts And for restraining the undue Practice of mixing Trash with Stemmed Tobacco and Preventing the packing Tobacco in unsizable Casks Be it enacted and declared That all stemmed Tobacco not laid Strieght Whether the same be Packed loose or in bundles and all Tobacco Packed in Hogsheads which exceed forty eight Inches in the length of the Stave and Seventy Inches in the whole Diameters within the Staves at the Croze and Bulge shall be accounted unlawfull Tobacco and shall not be passed or received But the owner of such Tobacco packed in Casks of Greater Dimensions than before expressed shall be Obliged to repack the same in sizable Cask at his own Cost and Charge before the same shall be Stamped by the said Inspectors

[Size of Tobacco Hogsheads]

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[Punishment for forging Notes or Stamps]

And be it further enacted That if any Person Whatsoever shall Forge or Counterfeit the Stamp Note or Receipt of any Inspector or Inspectors or tender in Payment any such forged or Counterfeited Note or receipt knowing it to be such or export or Cause to be exported any Hogshead Cask Case Chest Box or other package of Tobacco stampt with a forged or Counterfeit Stamp or Demand Tobacco of any Inspector or Inspectors upon any such forged or counterfeited Note or receipt knowing such Note or receipt or such Stamp to be forged or Counterfeited or shall put or Pack into any Hogshead Cask or Case of Tobacco Stamped by any Inspector any Tobacco Whatsoever or shall draw or take out any Stave Plank or Heading Board of any Hogshead Cask or Case of Tobacco after such Hogshead Cask or Case of Tobacco shall be delivered out from any of the Public Warehouses aforesaid every Person so Offending and being thereof convicted by due Course of Law shall receive thirty nine Lashes on his or her or their bare back and stand in the Pillory for the space of two Hours and that in all such Cases the Testimony of the Inspector or Inspectors Joined with other Strong and Corroborating Circumstances shall and may be Admitted as Evidence

[Inspectors Notes or Receipts being lost, mislaid, or destroyed]

And be it further enacted by the Authority aforesaid That if any Inspector or Inspectors Notes or Receipts be Casually Lost mislaid or destroyed the Person or Persons entituled to receive the Tobacco by Virtue of any such Note or receipt shall make Oath or Affirmation if a Quaker before a Justice of the Peace of the County where the same is payable to the Number or Date of every such Note or Receipt to whom and where payable and for what Quantity of Tobacco the same was given and that such Note or receipt is lost mislaid or destroyed and that he she or they at the time such Note or Receipt was lost mislaid or destroyed was lawfully entituled to receive the Tobacco therein mentioned and shall take a Certificate thereof from such Justice And upon Producing a Certificate of such Oath or Affirmation to the Inspector or Inspectors who signed such Note or receipt and lodging the same with them the said Inspector or Inspectors shall and he or they are hereby directed to pay and deliver to the Person obtaining such Certificate the Tobacco for which any such Notes or Receipts were given (if the same or any part thereof shall not have been before by him or them paid by Virtue of the said Notes or Receipts and shall be thereby discharged from all Actions Suits and Demands on Account of such Notes or Receipts And if any Person shall be Convicted of making a false Oath or Affirmation or Producing a forged Certificate in the Case aforesaid he shall forfeit and pay two hundred and forty Pounds of Tobacco for every hundred Pounds weight of Tobacco contained in such Certificate and so in Proportion for a less Quantity and moreover upon Conviction in any Court of Record shall suffer as in Case of Wilfull and Corrupt Perjury

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[In what Manner the Tobacco contained therein may be recovered notwithstanding]

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[Penalty and Punishment in case of false Swearing and Forgery]

And be it further enacted by the Authority aforesaid That all Tobacco due or to grow due and payable for Public and County levies Parochial Charges and all Officers and Attorneys fees which shall not be discharged and paid in Gold and Silver as by this Act is directed and the Allowance to the Clergy hereby Settled shall be paid and discharged in the following Manner That is to say The Public and County Levies in any of the Warehouses within the County on which the same shall be levied Parochial Charges and the Allowance to the Clergy in some Warehouse within that Parish if required and all Officers and Attorneys fees in some of the Warehouses within the County where the Person shall live to whom the same shall be Chargeable And should there happen to be any County or Parish without a Warehouse that then and in such Case all the aforesaid Public and County Levies Parochial Charges Officers and Attorneys fees or such part thereof as shall not be paid in Gold or Silver and Clergys Allowance shall be paid by Inspector or Inspectors Notes at some Warehouse or Warehouses in the next Adjacent County or Parish as the Case may require Provided always that no Transfer Notes of the Preceding Years shall pass in any such Payment

[Public and County levies, Parish Charges, Officers and Attorney Fees, where to be paid]

[Old Notes not to pass]

And be it enacted that at the Time of laying any Public or County Levies there shall be levied for the Sheriff that is to Collect and pay

[Sheriff's Commission]

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the same Six Pounds ꝑ Centum and no more which the said Sheriff is hereby Impowered to retain in his own Hands

[Thirty per Poll to be paid the clergy, instead of 40 by a former law]

And be it further enacted that during the Continuance of this Act the County Courts shall levy on the Taxable Inhabitants of the respective Parishes or Part of Parishes within their Counties no more than thirty Pounds of Tobacco per Poll instead of forty Pounds of Tobacco per poll by a former Act directed Notwithstanding any thing in the said former Act Contained and that the Clergy shall be paid by Inspector or Inspectors Notes in their Respective Parishes by th several and respective Sheriffs if an Inspecting Warehouse be in the Parish Otherwise at the next Adjacent Inspecting Warehouse or Warehouses to the said Parish where such his Parishoners have their Tobacco Inspected for which Payment the Sheriff shall retain in his own Hands five per Centum and no more.

[Sheriff's Commission]

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[10 per cent, to be deducted: Or, the Debt forfeited]

And be it further enacted That the Several Officers and Attorneys of this Province at the time of sending their several Lists and Accounts to the Sheriffs of the several Counties for Collection shall and are hereby obliged to make at the foot of each Account they shall so send for Collection in Case the same be paid in Tobacco a Deduction of ten ꝑ Centum for Conveniency and that any Officer and Attorney who shall Neglect or omit to make such Deduction as aforesaid he or they shall forfeit every such Debt to the party or Parties from whom the same shall be due and owing any thing herein Contained to the Contrary Notwithstanding

[Allowance to Payers of Officers fees &c if paid in Tobacco]

And be it further enacted that out of every hundred Pounds of Tobacco paid in discharge of all Officers and Attorneys fees and the Public and County Levies when paid in Tobacco and so Proportionably for a greater or lesser Quantity there shall be made an Allowance or Abatement to the payer of ten Pounds of Tobacco ꝑ Centum during the Continuance of this Act

[Allowance to Clerks of Courts for taxing Costs of any Judgment or Decree]

And be it further enacted That during the Continuance of this Act the Clerk or Register of every Court within this Province in taxing the Costs of any Judgment or decree Obtained or to be Obtained shall deduct of the said Costs the same Allowance for Convenience as shall or ought to be made and Allowed to the Party first Charged with the fees so taxed in the Bill of Costs by the respective Officers and Execution shall issue for no more than the said Costs amount to after the said Deduction

[Deduction of One fifth, to be made, at the laying of County Levies, &c]

And for the Ease of the Inhabitants of this Province in the Payment of the Publick and County Levies Be it further enacted by the Authority aforesaid that at the laying of every such Levy during the Continuance of this Act there shall be made a Deduction of one fifth part out of all Tobacco new due and hereafter to become due (save Officers fees as regulated by this Act) with which the Publick and Several Counties are Chargeable by Virtue of any Acts of Assembly of this Province And that it shall and may be lawfull for all Persons Charged with the remaining four fifths and the Officers fees regulated as aforesaid and all other Publick and County dues and Allowances and Parochial Charges in such Levies to pay the same in Gold or Silver as regulated by this Act during the Continuance thereof so as such Payments shall be made on or before the Tenth day of April Yearly and every Year

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And be it enacted that all Sheriffs shall during the Continuance of this Act be Obliged to do and Perform every thing required of them to be done by an Act of Assembly of this Province entituled an Act to Prevent the ill Practices of Sheriffs in the Collection and paying the Publick and County Levies so far as relates to discounting with the Inhabitants makeing out and delivering Lists of all Tobacco with which the People are charged for Publick and County Levies and of the Money by them paid or Certificates returned (by those who make no Tobacco) on or before the Tenth day of April in discharge thereof Attendance to receive the dues and the Payment thereof in Money and Tobacco in Proportion to those who have Publick Allowances and be it further enacted that all Lawyers fees which shall be paid in Inspected Tobacco shall be liable to the Abatement and Deduction of one fifth

[Sheriff's Duty in Collecting, and delivering lists]

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[Deduction in Lawyers fees]

And be it further enacted that all Publick and County Levies Parochial Charges and Attorneys fees that shall be paid in Tobacco Clergys Allowances and all Officers fees payable in Tobacco shall be paid and Satisfied by the Persons Chargeable with and Indebted for the same to the Respective Sheriffs by Inspector Inspectors Notes before the Tenth day of June Yearly (during the Continuance of this Act and if any Person chargeable with Levies Parochial Charges Clergys Allowances and fees aforesaid shall neglect or refuse to pay the same within the time aforesaid it shall and may be lawfull for the Sheriffs immediately after the said tenth day of June to distain the goods and Chattells of the Person or Persons so Neglecting and refusing and to Sell and Dispose thereof at the Expiration of five days after distress made for Tobacco or Gold and Silver as the Case may be at Publick Auction all which shall be Done by the said Sheriff without fee or reward and the Overplus if any be beyond what will satisfie the demands aforesaid shall be returned to the Debtor

[Public and County Levies Parochial Charges, Attorneys and Officers Fees &c which shall be paid, or are payable, in Tobacco to be paid before the 10th of June yearly]

Provided always that when any Person who shall be indebted for Publick or County Levies Clergys dues Parochial Charges Officers and Attorneys fees shall refuse to shew Tobacco to the Sheriff or any other Goods or Chattels to be destrained that then and in such Case it shall and may be lawfull for the Sheriff to take such Person in Execution for such Levies dues Charges and fees and

[Execution may be made for Fees &c in case &c]

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[Sheriffs to pay before the last of June]

the Sheriffs shall before the last day of June Yearly pay and deliver to each Creditor According to their respective Debts or Claims all the Inspector or Inspectors Notes or Money he hath received in Satisfaction thereof And if any Sheriff shall refuse or delay to make Payment Accordingly if required he or they so refusing or delaying shall forfeit and pay to the party Grieved double the Value of the Tobacco or Money so refused or delayed to be paid to be recovered with Costs if the Party Creditor only inclines to sue the Sheriff or Otherwise if he sue his Bond in this Case the Creditor shall only take his Debt Interest and Costs out of the Sheriffs Bond that shall be sued.

[Tobacco refused by the Inspectors, to be burnt; unless the owner desires to sort or pick it]

And be it Further enacted that when any Tobacco shall be Brought to any of the Publick Warehouses and refused by the Inspector or Inspectors there Officiating the same shall be immediately burnt by them unless the Owner or Person bringing such Tobacco desires to Sort and Seperate the same and to pick out such as is bad, in which Case the Inspector or Inspectors Shall Permit the same to be done at the Warehouse to which the said Tobacco shall be brought without fee or reward but shall not on any Pretence Suffer the said Tobacco to be removed or carried from the said Warehouse And the said Inspector or Inspectors shall Allow one Month for Seperating or Picking such Tobacco after which Time if the same be not done it shall be lawful for him or them to burn the whole except where the Tobacco is in a Sweat or where the Circumstances or Accidents of Weather may have Prevented the handling of it in which Case the Inspector or Inspectors shall Allow such further Time as he or they shall think Reasonable And where any Tobacco shall be Seperated and Picked as aforesaid the Trash and bad Tobacco shall be bound by the Inspector or Inspectors the same day it shall be Picked out under the Penalty of forfeiting fifty six Pounds of Tobacco for every failure to the informer and if any Tobacco packed in Casks by an Overseer or the Hands under his Care shall be burnt by the said Inspector or Inspectors by reason of its being bad unsound or not in Good Condition the Overseer who had the care of making and Packing the same shall bar the loss of the Tobacco so burnt and make Satisfaction for the same out of his Share of the Crop or Otherwise and the Inspector or Inspectors shall be Obliged to keep an Account of all Tobacco so burnt

[The whole to be burnt, if not sorted in one month, except where it may be necessary to allow a longer time] p. 459

[Overseers to make good all burnt Tobacco of their own making and packing]

[Frauds in his Majesty's Customs, how to be prevented]

And to the intent that the Just Quantity of Tobacco exported may be more exactly known and all evil Practices to defraud his Majesty of his Customs prevented Be it enacted by the Authority aforesaid that all and every Inspector or Inspectors shall Carefully enter in a Book to be Provided and kept for that Purpose the Marks Numbers Gross Nett Weight and Tare of all Tobacco Viewed and Stamped by him or them as aforesaid and in what Ships or Vessells

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the same shall be Laden or put on Board And shall also with every Sloop Load or Boat Load of Tobacco send a List of the Marks Numbers Gross Nett Weight and Tare of every Hogshead of Tobacco then delivered to be given to the Master of the Ship or Vessel in which the same shall be put on Board and if the Tobacco delivered to the same Sloop or Boat is intended to be put on Board Several Ships or Vessels then he or they shall deliver so many distinct and Several Lists as aforesaid of the Hogsheads to be put on Board such Ship or Vessell Respectively which Lists every Master of a Ship or Vessell is required to Produce to and Lodge with the Naval Officer of the district where the Ship or Vessell whereof he is Master shall ride or by whom he shall be Cleared some time before her Clearance But whereas it may happen that the Ship in which such Tobacco was intended to be put may be so full as not to be Capable of Stowing all the Tobacco contained in such List in such Case it shall and may be lawfull to Ship the said Tobacco or any part thereof on board any other Ship or Ships where the owner thereof shall think fit the Masters of such Ships Indorsing on the said Lists the Marks and Numbers of the respective Hogsheads by them taken on Board and giving notice to the Inspector or Inspectors of the Warehouse from whence the same was brought or if there be no Ship to receive the said Tobacco then it shall and may be Lawfull for the Master of the first mentioned Ship or Vessell to put the same Tobacco in the nearest Warehouse to the place where such Ship shall ride giving immediate Notice thereof to the Inspector or Inspectors who Stamped the same And the Inspector p. 460 or Inspectors of that Warehouse where such Tobacco shall be delivered shall give a receipt for the same and shall Cause the said Tobacco to be safely lodged and delivered to the Order of the Owner thereof when ever he or She shall think fit to Ship it off and that without fee or Reward

[Skippers of Flats, &c. Carrying Tobacco to be sworn]

And be it likewise enacted that it shall not be lawfull for any Skipper of any flat, Sloop or other Vessell after the last day of November one thousand seven hundred and Sixty three to take any Tobacco from any Warehouse within this Province in order to carry the same on Board any Ship or other Vessel for Exportation before such Skipper shall make Oath or Affirmation if a Quaker before the Inspector or Inspectors of such House or Houses (who are hereby Authorized and required to Administer the same) under the Penalty of eight hundred Pounds of Tobacco for every neglect that all such Tobacco which he shall from Time to Time take on [The Oath] Board such flatt Sloop or other Vessell he the said Skipper will with all Opportunity of Wind and Weather convey or Cause to be Conveyed on board such Ship or Vessell to which it shall be directed by the owner or owners thereof to be loaded for Exportation and

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that he the said Skipper will not take nor suffer to be taken by any Person Whatsoever any Tobacco out of such Hogshead or Hogsheads and that he will not willfully damage or suffer to be Damaged such Tobacco whilst the same shall remain under his Care and Management And if any Skipper as aforesaid shall refuse or delay taking the Oath or Affirmation if a Quaker aforesaid in manner and Form aforesaid such Skipper for every Hogshead of Tobacco taken on Board Contrary to the intention of this Act shall forfeit and pay the sum of three Thousand two hundred Pounds of Tobacco one half thereof to the informer or him her or them that shall sue for the same and the other half to be Applied to the use of the several and respective Countys to defray the Expences that may arise in the due Execution of this Act to be recovered by Action of Debt Bill Plaint or information wherein no Essoign Protection or Wager of Law or more than one Imparlance shall be Allowed

[Penalty of 3200℔ of Tobacco, on refusing to take the oath]

[Masters of Ships to lodge 3 fair Manifests, Sworn to, with the Naval Officers]

And be it further enacted that every Master of a Ship or Vessell wherein Tobacco shall be Laden shall at the Time of clearing deliver to the Naval Officer three fair Manifests of all the Tobacco on board his Ship or Vessell expressing the Marks and Numbers of every Hogshead and the Tare and Nett weight Stamped therein the Person by whom Shipped and from what Warehouse and shall make Oath or Affirmation if a Quaker thereto and that the same is a just and true Account of the Marks Numbers Tare and Nett Weight of each respective Hogshead as the same was taken Down by the Person or Persons Appointed by him to take the same before the said Tobacco was Stowed away and no Ship or Vessell shall be cleared by the Naval Officer before he shall have received such Lists and Manifests one of which said Manifests shall by the said Naval Officer be annexed to such Masters Certificate or Clearance to the end the same may be delivered to the Chief Officer of the Customs in such port or place where the said Ship Shall unlade and one of the other two of the said Manifests shall by the said Naval Officer be Transmitted to the said Chief Officer of the Customs by the next Convenient Opportunity and the third kept in his Office

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[Public Warehouses established]

[In St. Mary's]

And be enacted by the Authority aforesaid That Publick Warehouses for the Inspection of Tobacco pursuant to this Act shall be kept at the Several Places herein after mentioned That is to say in the County of S.^t^ Marys at Chaptico on the Land of Philip Key under one Inspection, on a Plantation where a Certain Gilbert Mackay lives under one Inspection, At S^t^ Innegoes on the Land of Stephen Milbourn under one Inspection At Wiccocomico or on the Land of John Lewellins under one Inspection at the Court House on the Land of Abraham Barnes under one Inspection At M.^r^ Coles on Coles Creek under one Inspection at Town Creek on the

Land of Hugh Hopewell under one Inspection In Kent County at Liber H. S. No. 1 [Kent] Chester Town under one Inspection at George Town and Frederick Town in Cecil County on Sassafras River under one Inspection At Worton Creek on the Land of Sarah Graves Called Buck Neck under one Inspection At Langford Bay on the Land of Richard Graham under one Inspection At the late Samuel Toreys on Grays Inn Creek under one Inspection In Anne Arundel County at Elk [Anne Arundel] ridge Landing on Patapsco River on the Land of the late Philip Hammond under one Inspection at Indian Landing on Severn River under one Inspection At the Land of Ease on the Land of Nicholas Maccubbin on South River and at the Landing Commonly called Taylors near Kilkenny on Patuxent River under one Inspection At Pigg Point on Patuxent River and at Thomas Sprigg's Point on West River under one Inspection at Annapolis at the Warehouse of the late Patrick Creagh under one Inspection In Calvert County [Calvert] At the Head of St Leonards Creek on the Land of the late John Somerville under one Inspection on Hunting Creek on the Land of the late Robert Freeland under one Inspection at Lower Marlbrough on the Land of the late John Smith under one Inspection In Charles County at Benedict Town on Patuxent River on the Land [Charles] of George Maxwell under one Inspection At Pile's fresh on the late M.^{rs} Jane Parnhams Land at the Head of Wiccocomoco River under one Inspection at Lower Cedar Point on Charles Jones's Land under one Inspection At Chandlers Point on the Land of the late William Neale Deceased on Portobacco Creek under one Inspection At Nanjemoy on Potowmack River on the Land of Richard Harrison under one Inspection at Chickamuxon Creek on the Land of Bayne Smallwood under one Inspection At Pamunkey Creek on the Land of John Trueman Stoddart under one Inspection In Somerset [Somerset] County at Princes Ann Town near Monokin Bridge and on the Land of Thomas Maddox below the Mouth of Back Creek under one Inspection on Great Annemessex the Land of Outerbridge Horsey on Colebournes Creek at a Place called the Old Town and on Poco- p. 162 mocke Rehoboth Town under one Inspector on Wiccomoco River at the Warehouse near Green Hill Town and at the Head of Baron Creek on Nanticoke River on the Land of William Brown under one Inspection In Talbot County at King's Town on the Lotts of [Talbot] William Gale and William Wilson under one Inspection At Parsons Landing on the Land of James Lloyd under one Inspection At the late Philip Emersons Landing under one Inspection At Thomas Bruffs Landing on Miles River under one Inspection At Daniel Sherwoods Landing on Broad Creek under one Inspection At Oxford on the Lotts lately Richard Gilderts under one Inspection In Dorchester County at the late David Melvills Warehouse under [Dorchester] one Inspection at Hunting Creek Warehouse under one Inspection On the East side of the North West Fork of Nanticoke above

Cratchers ferry under one Inspection at the late Henry Ennalls Jun.r his Warehouse at Choptank Ferry under one Inspection At Edward Whites Warehouse on little Choptank under one Inspection at Plymouth Warehouse on fishing Creek under one Inspection At Vienna Town on the Land of Joshua Edmonson under one Inspection [Cecil] In Cecil County at ffrederick Town with George Town in Kent County on Sassafras River under one and the same Inspection At John Hollands at Bohemia Ferry under one Inspection [Baltimore] In Baltimore County at Baltimore Town on the West side of the Falls on the Land of Thomas Harrison under one Inspection at Joppa at the Ferry Landing near the Point House on Gunpowder River and at the Fork of Gun Powder at the Old Landing under one Inspection At Otter Pond Landing near the Red Clift on Bush River under one Inspection at John Loneys on Swan Creek and at the Rock run on Susquehanna River under one Inspection In Prince [Prince Georges] Georges County at Queen Anne Town on Patuxent River under one Inspection at Upper Marlborough on the Land of Joseph Sim under one Inspection, at Nottingham on the Land of James Russell under one Inspection, on the Land of Alexander Magruder under one Inspection, At Bladensburgh on the Land of Doct.r David Ross under one Inspection, at Broad Creek on the Land of the Late Humphrey Ball under one Inspection, At Piscattaway on the Land of the late John Hawkins Junior Deceased under one Inspection, [Queen Anne's] In Queen Annes County on Samuel Blunts Dwelling Plantation under one Inspection, at Charles Browns Landing under one Inspection, at the Head of Corsica Creek on the Land of William Hopper under one Inspection, At the House commonly called Porters Warehouse on the Land late of William Campbell under one Inspection, At the House commonly called Wells Warehouse on Chester River under one Inspection, At Pembertons Warehouse under one Inspection, At Choptank Bridge under one Inspection, [Worcester] In Worcester County at Col° Scarboroughs Warehouse in Snow p. 463 Hill Town under one Inspection, at the Warehouse in Newport Town under one Inspection, At Broad Creek on the North side [Frederick] at the Wading Place under one Inspection, In Frederick County near the Mouth of Rock Creek the Rolling House which George Gordon Built under one Inspection

[Inspector's Salaries] And there shall be paid to the several Inspectors to be Appointed to Attend in Virtue of this Act at the said Several Warehouses the [St Mary's County] Sallaries hereinafter mentioned, To each Inspector in St Marys County at Chapticoe on the Land of Philip Key Six thousand four hundred Pounds of Tobacco to each Inspector On a Plantation where a Certain Gilbert Mackey lives to the Inspector five Thousand six hundred Pounds of Tobacco At St Innegoes on the Land of Stephen Milburn five Thousand six hundred Pounds of Tobacco to the Inspector at Wiccomico on the Land of John Llewellen Six

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thousand four hundred Pounds of Tobacco to the Inspector At the Court House on the Land of Abraham Barnes seven Thousand two hundred Pounds of Tobacco to the Inspector At M.^r Coles on Coles Creek Seven Thousand two hundred Pounds of Tobacco to the Inspector At Town Creek on the Land belonging to Hugh Hopewell four thousand eight hundred Pounds of Tobacco, to the Inspector In Kent County at Chester Town six thousand four hundred [Kent] Pounds of Tobacco to each Inspector At George Town on Sassafras River with Frederick Town Seven thousand two hundred Pounds of Tobacco to the Inspector At Worton Creek on the Land of Sarah Graves called buck Neck Two thousand Pounds of Tobacco to each Inspector at Langfords Bay on the Land of Richard Gresham four Thousand Pounds of Tobacco to each Inspector At the late Samuel Toveys on Grays Inn Creek four Thousand Pounds of Tobacco to each Inspector In Ann Arundel County at Elk ridge Landing [Anne-Arundel] on Patapsco River eight Thousand Pounds of Tobacco to each Inspector At Indian Landing on Severn River four Thousand eight hundred Pounds of Tobacco to each Inspector At the Land of Ease belonging to Nicholas Maccubbin on South River and at the Landing commonly called Taylors near Kilkenny on Patuxent River Six thousand Pounds of Tobacco to each Inspector at Pigg Point on Patuxent River and at Thomas Spriggs Point on West River Seven thousand two hundred Pounds of Tobacco to each Inspector At Annapolis at the Warehouse late Patrick Creaghs four Thousand eight hundred Pounds of Tobacco to the Inspector In Calvert [Calvert] County at the Head of S.^t Leonards Creek on the Land late of John Somerville six Thousand four hundred Pounds of Tobacco to the Inspector at Hunting Creek on the Land late of Robert Freeland Seven thousand two hundred Pounds of Tobacco to the Inspector At Lower Marlborough on the Land of the late John Smith Deceased eight Thousand eight hundred Pounds of Tobacco to the Inspector In Charles County at Benedict Town on Patuxent [Charles] River Six thousand four hundred Pounds of Tobacco to each Inspector [p. 464] At Piles's Fresh on the late M.^rs Jane Parnhams Land at the Head of Wiccomico River Six thousand four hundred Pounds of Tobacco to each Inspector At Lower Cedar Point on Charles Jones's Land five Thousand six hundred Pounds of Tobacco to each Inspector At Chandlers Point on the Land of the late William Neal on Portobacco Creek eight Thousand Pounds of Tobacco to each Inspector, At Nanjemoy on Potowmack River on the Land of Richard Harrison four thousand eight hundred Pounds of Tobacco to each Inspector At Chickamuxon Creek on the Land of Bayne Smallwood four Thousand eight hundred Pounds of Tobacco to each Inspector, At Pamunkey Creek on the Land of John Trueman Stoddart four Thousand eight hundred Pounds of Tobacco to each Inspector, In Somerset County at Princes Ann Town near Monokin [Somerset]

Liber H. S. No. 1 Bridge and on the Land late of Thomas Maddox below the Mouth of Back Creek five thousand six hundred Pounds of Tobacco to each Inspector, On great Annemessex on the Land of Outerbridge Horsey on Colebournes Creek at a Place called the Old Town and on Pocomoke River at Rehoboth Town five thousand six hundred Pounds of Tobacco to each Inspector, on Wiccomico River at the Ware House near Green Hill Town & at the Head of Baron Creek on Nanticoke River on the Land of William Brown five thousand [Talbot] six hundred Pounds of Tobacco to each Inspector, In Talbot County at Kings Town on the Lotts of William Gale and William Wilson five Thousand six hundred Pounds of Tobacco to the Inspector at Parsons Landing on the Land of James Lloyd five Thousand six hundred Pounds of Tobacco to the Inspector at the late Philip Emersons Landing six Thousand four hundred Pounds of Tobacco to each Inspector At Thomas Bruffs Landing on Miles River four thousand eight hundred Pounds of Tobacco to each Inspector At Daniel Sherwoods Landing on Broad Creek three thousand two hundred Pounds of Tobacco to each Inspector At Oxford on the Lott late of Richard Gildart five thousand four hundred and forty Pounds of Tobacco to each Inspector, Provided that the Inspector of the Warehouse at Daniel Sherwoods Landing be not Obliged to Attend at the said Warehouse more than four days in every Week, [Dorchester] In Dorchester County at the late David Melvills Warehouse eight Thousand eight hundred Pounds of Tobacco to the Inspector at Hunting Creek Warehouse ten thousand four hundred Pounds of Tobacco to the Inspector on the North East side of the North West fork of Nanticoke above Cratchers ferry four thousand Pounds of Tobacco to the Inspector At the late Henry Ennalls Junior his Warehouse at Choptank Ferry nine thousand six hundred Pounds of Tobacco to the Inspector At Edward Whites Warehouse on little Choptank nine Thousand six hundred Pounds of Tobacco to the Inspector At Plymouth Warehouse on fishing Creek four Thousand eight hundred Pounds of Tobacco to the Inspector at Vienna Town on the Land of Joshua Edmondson four Thousand eight Hundred [Baltimore] Pounds of Tobacco to the Inspector In Baltimore County at Baltimore Town on the West Side of the falls nine thousand six hundred Pounds of Tobacco to each Inspector At Joppa at the Ferry Landing near the Point house on Gun Powder River and at the Fork of Gun Powder at the Old Landing under one and the same Inp. 465 spection and to Attend each Warehouse three days in every Week six thousand four hundred Pounds of Tobacco to each Inspector At Otter Point Landing near the red Clift on Bush River six thousand four hundred Pounds of Tobacco to each Inspector At John Loneys at Swan Creek and at Rock run on Susquehannah River six Thousand four hundred Pounds of Tobacco to each In- [Cecil] spector In Cecil County at Frederick Town with George Town on

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Sassafras River Seven thousand two hundred Pounds of Tobacco to the Inspector at John Hollands at Bohemia Ferry three thousand two hundred Pounds of Tobacco to the Inspector In Prince Georges County at Queen Ann Town on Patuxent River seven Thousand two hundred Pounds of Tobacco to each Inspector at Upper Malborough on the Land of Joseph Sim Seven thousand two hundred Pounds of Tobacco to each Inspector At Nottingham on the Land of James Russell six thousand and eighty Pounds of Tobacco to each Inspector at Magruders on the Land of Alexander Magruder four thousand eight hundred Pounds of Tobacco to each Inspector At Bladensburgh on the Land of David Ross eight Thousand Pounds of Tobacco to each Inspector at Broad Creek on the Land late of Humphry Batts four Thousand eight hundred Pounds of Tobacco to each Inspector at Piscattaway on the Land of the late John Hawkins Junior deceased six thousand five hundred Pounds of Tobacco to each Inspector In Queen Anns County on Samuel Blunts dwelling a Plantation six thousand four hundred Pounds of Tobacco to each Inspector At Charles Browns Landing four thousand eight hundred Pounds of Tobacco to each Inspector At the Head of Corsica Creek on the Land of William Hopper six thousand four hundred Pounds of Tobacco to each Inspector at the House commonly called Porters House on the Land of the late William Campbell six thousand four hundred Pounds of Tobacco to each Inspector At the House commonly called Bells's Warehouse on Chester River four thousand eight hundred Pounds of Tobacco to each Inspector At Pembertons Warehouse six thousand four hundred Pounds of Tobacco to each Inspector At Choptank Bridge four thousand Pounds of Tobacco to each Inspector In Worcester County at Col.° Scarboroughs Warehouse in Snow Hill Town eight Thousand Pounds of Tobacco to the Inspector At the Warehouse in new Port Town four Thousand eight hundred Pounds of Tobacco to the Inspector At Broad Creek on the North side at the Wading Place two thousand Pounds of Tobacco to the Inspector In Frederick County near the Mouth of Rock Creek the rolling House which George Gordon Built nine thousand six hundred Pounds of Tobacco to each Inspector

[Prince George's]

[Queen-Anne's]

[Worcester]

[Frederick]

[The Vestry of Queen Caroline Parish to choose Inspectors for the Warehouse at Elk-Ridge Landing]

And be it further enacted that the Vestrymen and Church Wardens of Queen Caroline Parish in Anne Arundel County have full Power and Authority to elect and recommend four Inspectors for a Warehouse Appointed to be at Elk Ridge Landing scituate and being in S^{t} Margarets Westminster Parish and to Proceed as if the said Warehouse had by this Act been Appointed to be in Queen Caroline Parish and that the Vestrymen and Church Wardens of S^{t} Margarets Westminster Parish no way intermeddle with the Election or Recommendation of Inspectors for the said Warehouse to be at Elk Ridge Landing And that the said Inspectors and In-

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spection be under the same Regulation as if Nominated and Recommended by the Vestrymen and Church Wardens of S^{t} Margarets Westminster Parish any thing in this Act contained to the contrary Notwithstanding

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[Inspectors, when and how chosen]

And be it further enacted by the Authority aforesaid That all Tobacco that shall be brought to any of the Publick Warehouses herein before mentioned shall be viewed Examined and Inspected by such Person or Persons as shall be thereunto Appointed who shall be called Inspectors and Nominated and Appointed in Manner and Form following that is to say the Several and Respective Vestrymen and Church Wardens of every Parish within this Province wherein any Warehouse shall be erected or Established in Virtue of this Act or the Major Part of them shall and may and they are hereby Authorized and required to meet together at their several and Respective Parish Churches between the first and the tenth day of September Yearly and every Year during the Continuance of this Act and to renominate and Recommend to the Governor or Commander in Chief of this Province for the Time being four or two able and Sufficient Planters well skilled in Tobacco for each and every Inspection within their different Parishes as the Case may require for the Execution of the Office of Inspector or Inspectors without having regard to the residence of such Persons for Inspectors as aforesaid And where it shall happen that two Warehouses under one and the same Inspection shall be in different Parishes the Vestrymen and Church Wardens of each Parish or the Major part of them shall Nominate and Recommend two or one able and sufficient Planter or Planters well Skilled in Tobacco as the Case may require for each Inspection

[If two Warehouses, under One Inspection, be in several Parishes, each Parish to choose]

[Choice of Inspectors in September past, to be good and valid;]

And be it further enacted That the several Inspectors already Chosen on the tenth day of September last shall and are hereby fully impowered to serve as Inspectors for the ensuing Year at all the several Warehouses mentioned in this Act (except such as are herein directed to be rechosen) And Whereas George Town and Frederick Town Warehouses are now put under one Inspection by an Inspector from each County and that Kings Town and Parsons Landing Warehouses in Talbot County are put under Seperate Inspection by one Inspector at each House and that John Hollands Warehouse at Bohemia is put under an Inspection by one Inspector it therefore becomes Necessary that the Inspectors for these Warehouses for the ensuing Year shall be Rechosen Be it therefore enacted that the Vestrymen and Church Wardens of Shrewsberry Parish in Kent County and of S.^{t} Stephens Parish and S^{t} Augustine Parish in Cecil County and of S^{t} Peters Parish in Talbot County shall and may and are hereby required to meet at their several Parish Churches between the first and tenth days of December next and there to

[Excepting some Parishes where they are to be rechosen]

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Nominate and Recommend to the Governor or Commander in Chief of this Province for the Time being two Good and able Planters well Skilled in Tobacco for each of the said Inspections for the Execution of the Office of Inspector at the Houses aforesaid

[Lists of Inspectors to be transmitted to the Governor, who is to choose Two out of Four, or One out of Two]

And be it enacted That the several and Respective Vestrymen and Church Wardens in all Cases shall forthwith Transmit Certificates of such Nomination and Recommendation to the Sheriff of the said County who shall forthwith Transmit the same to the Clerk of the Council for the time being to be by him Immediately laid before the Governor or Commander in Chief for the Time being out of which said four or two Persons to be mentioned and Recommended for Inspector or Inspectors the Governor or Commander in Chief shall and may Appoint by Warrant under his Hand two Persons out of the four or one Person out of the two recommended to him from any one Vestry and Churchwardens to be Inspector or Inspectors as the Case may require and where it shall happen that two Warehouses under one and the same Inspection shall be in different Parishes there the Governor or Commander in Chief for the time being shall and may choose and Appoint two Persons to be Inspectors in Manner aforesaid to wit one out of the Nomination and Recommendation of each Parish to execute the Office of Inspector at such Inspection p. 467

[Inspectors, if they refuse]

And be it further Enacted That if any Person who is or shall be Appointed by his Excellency the Governor or Commander in Chief for the Time being to be an Inspector shall refuse to take upon himself the Execution of the said Office or duty such Person so refusing shall be and is hereby Obliged and directed to Signify such his Refusal in Writing under his Hand directed to the Clerk of the Council for the Time being and shall within ten days from the Receipt of his Warrant deliver such Writing to the Sheriff of the County or his deputy where such Person shall reside under the Penalty of four hundred Pounds of Tobacco to be recovered before one Majestrate as in Case of small Debts and the said Sheriff shall and is hereby Obliged to forward the same in the like manner that Public Letters by the Laws of this Province are to be forwarded which are directed for his Lordships Service And every Inspector or Inspectors to be Chosen and accepting the Office shall not resign his said Office or refuse to Act therein until the first day of November Yearly

[They are to give notice in Ten Days]

[In case of being rechosen]

And be it further enacted That where the same Persons are by any of the Vestries again Rechose to serve as Inspectors for the Year next Following they and every of the said Inspectors shall if they incline to serve signify their Acceptance thereof within ten days next after such Time of their being so Rechosen which Signification shall be made in the same Manner as Persons Appointed by his

Excellency the Governor to be Inspectors are by this Act before directed to signify their Refusal to Accept of such Office

And to Prevent the Inconvenience that may arise from the Sale of the Office of Inspector Be it further enacted that if any Person or Persons Nominated and Appointed by the Vestry or Commissioned by the Governor or Commander in Chief for the Time being to be an Inspector or Inspectors within this Province shall take or receive any sums of Money or Tobacco or any other thing or any Reward or Gratuity to the intent that he or they shall refuse to Act under such Nomination Appointment or Commission such Person so taking and Receiving anything to the intent aforesaid shall forfeit and pay Double the Value of the sum of Money or Tobacco or other thing so taken and Received to be recovered by Indictment or Information in the County Court of the County where the Offence shall happen and be Applied towards defraying the expence of the Execution of this Act in such County and the Person or Persons paying gving or delivering or Offering to pay give or deliver any sum or sums of Money or Tobacco or other thing to the Intent aforesaid shall forfeit and pay Double the Value of the sum of Money or Tobacco or other thing so given or delivered or Offered to be given or Delivered to be recovered and Applied in Manner aforesaid and shall forever be disabled to be an Inspector within this Province

[Inspectors after being appointed, not to be hired to refuse that office]

[Penalty]

[And on the Persons offering to hire them to decline]

And be it further enacted That in Case of the Death refusal or removal of any Inspector or Inspectors the Governor or Commander in Chief for the Time being shall and may Nominate and Appoint any other Person or Persons mentioned in the last Recommendation to be sent him from such Vestrymen and Church Wardens for any Inspection where a vacancy shall or may happen as aforesaid to Succeed any Inspector or Inspectors as aforesaid refusing removed or Dead But should it so happen that by Deaths refusal or Removals there should not be Persons enough left in the Nominations of the Respective Vestrymen and Church Wardens so as aforesaid to be transmitted for the Appointment of the Governor or Commander in Chief then and in such Cases the Vestrymen and Church Wardens of any Parish or Parishes where this shall happen to be the Case shall Immediately meet as aforesaid and elect four or two as the Case shall require for Inspector or Inspectors and as before Transmit Certificates of such Nomination and Recommendation to the Sheriff of the said County who shall forthwith Transmit the same to the Clerk of the Council to be as before laid by him before the Governor or Commander in Chief shall Appoint a Sufficient Number According to the true intent and Meaning of this Act to serve as Inspector or Inspectors respectively according and in Pursuance of the Recommendation aforesaid from the respective Vestrymen and Churchwardens

[In case of the Death, &c. of an Inspector]

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Provided always and it is the true Intent and meaning of this Act that though the Vestrymen and Churchwardens are to Elect Inspectors Annually yet where they elect again a Former Inspector or Inspectors they shall Continue such without any new Appointment by the Governor or Commander in Chief

[Vestries not to neglect to meet, to nominate and recommend Inspectors]

And be it further enacted That every Vestrymen or Churchwarden who shall Neglect or refuse (not being Prevented by Sickness or some unavoidable Accident) to meet According to the Directions of this Act to Nominate and recommend an Inspector or Inspectors whereby Inspectors shall not be Nominated and Recommended in Pursuance of this Act shall forfeit and pay eight hundred Pounds of Tobacco with Costs of Suit for every such Offence one Moiety to the informer the other Moiety to the uses in this Act mentoned and to be recovered by Action of Debt Bill Plaint or Information wherein no Essoin Protection or Wager of Law shall be Allowed

[Penalty]

[No Vestrymen etc. who is an Inspector, to have a Vote in Nomination]

Provided always that no Vestrymen or Church Warden who shall be an Inspector shall have or be Allowed so long as he shall be an Inspector any Vote in the Nomination or Recommendation of any other Inspector or Inspectors and that where any Person or Persons shall be Appointed in Pursuance of such Nomination and Recommendation as already mentioned and shall Afterwards and again be Nominated and recommended to be an Inspector or Inspectors for the ensuing Year such Nomination and Recommendation shall be a Sufficient Power to such Inspector or Inspectors to be and Continue in the said Office without any further Appointment and so from Year to Year so long as he or they shall be Nominated and Recommended as aforesaid

[Oath to be taken by Vestrymen and Churchwarden]

And be it further Enacted that every Vestrymen and Church Warden shall take the following Oath before they Proceed to the Nomination or Recommendation of any Inspector or Inspectors to wit "I AB to Swear that I will faithfully honestly and Justly Nominate and Recommend such Person or Persons to be an Inspector or Inspectors as I think in my Judgment and Conscience is or are fit and Capable to execute the Office of an Inspector or Inspectors so help me God"

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[Weights to be Provided to weigh 15 Cwt. and small ones]

And be it further enacted That there shall by the Justices of each County at the County Charge and kept at every one of the said Warehouses a Good and Sufficient Beam Weights and Scale to weigh fifteen hundred Gross Pounds at the least and a set of Small Weights the same that are or ought to be Provided for the Standard Weights of each County And the said Justices are hereby required and Obliged to keep the same in Good repair together with the Blocks Tackles and other Necessaries

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[Weights and Scales to be examined every Year]

And be it further enacted That the Justices are hereby directed and required some time in the Month of March in every Year to Appoint two or more of their Number to View the said Scales and Examine and try the Weights at the several Warehouses by the Standard Weights of the County and if the same or the other Necessaries hereby required shall want repairing or the Weights be found deficient or differing from the Lawfull Standard the said Justices shall cause the same to be repaired and amended and the Weights made Conformable to the Standard and the charge of Repairing and Amending as aforesaid shall be paid by the Inspectors Respectively and be again Allowed them in their Account with the said Justices

[Warehouses already built to be rented by the owners under Penalty of 32000lb of Tobacco]

And be it further enacted That the Warehouse or Warehouses Wharffs Prizes and Cranes already Built and Continued by this Act to be Warehouses for the Inspection of Tobacco the owners or Proprietors thereof are hereby Obliged to let the same to the Inspector or Inspectors as the Case shall be under the Penalty of thirty two thousand Pounds of Tobacco and that Case the rent of six Pounds of Tobacco per Hogshead as aforesaid shall be paid to such Owners or Proprietors of such Warehouses Respectively by the Several Inspectors and the residue of the fifty six Pounds of Tobacco per Hogshead and the twenty eight Pounds of Tobacco on the Eastern Shore and the twenty four Pounds of Tobacco on the Western Shore per Hogshead mentioned in this Act shall be Applyed to pay and defray the Charge of the Inspectors Salaries and other expences such as finding Weights and Scales and other Necessaries mentioned in this Act and the keeping them in reapir According to the true intent and Meaning of this Act and that for all Matters relating to the expence for putting this Act in Execution and the Profitts to be raised thereby the Several Inspectors shall Annually lay before the respective Justices fair and Distinct Accounts of the Profitts and Loss relating to their respective Offices on Oath or Affirmation if a Quaker and the Justices aforesaid shall Settle and Adjust such Account and that if the Profitts of said Warehouses shall over and above bare the expences of this Act that then the Overplus shall be Applyed to defray the Charge of the County

[Inspectors to Account annually, on Oath]

[No private use to be made of the Warehouses or Lands]

Provided always that nothing herein contained shall be construed to give Power to the owner or Proprietor of any Warehouse or Warehouses on any Pretence Whatsoever to make any Private use thereof Whatsoever whilst the same shall be under Rent to the Publick under the Penalty of one thousand Pounds of Tobacco nor to the said Inspectors to keep any Horses Cattle or Hogs at any of the Publick Warehouses (except in Inclosures) upon the Land Appointed for such Warehouses and if any Swine belonging to the said Inspectors or any of them shall be found at large upon the Land Appointed for such Warehouses or the Lands Adjoining thereto it shall and may be lawfull for the Proprietor of the Land on which

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the said Warehouses are Placed to kill or Cause them to be killed or destroyed

[Warehouses happening to be burnt, the Tobacco how Paid for]

And be it enacted that if any of the Warehouses herein before mentioned shall happen to be Burnt the loss of Tobacco Sustained thereby shall be made Good and repaired to the Several Persons injured by an Allowance in the Publick levy at the next Sessions after such Loss and in Case of such Accident no Inspector or Inspectors shall be sued or Molested for or by reason of any Promissary Notes or Receipts by them given for any Tobacco burnt in the said Warehouse but shall be altogether Acquitted and Discharged of and from the Payment of the Tobacco in such Notes or receipts, mentioned: any thing before to the Contrary notwithstanding

[County Clerks Duty in assisting Magistrates]

[To be allowed 800℔ of Tobacco]

And be it further enacted by the Authority aforesaid that the Clerk of each County within this Province do and shall Provide a well Bound or Stiched Book to have recorded therein all the Proceedings of the Justices relating to the Act and that it be the duty of the Clerk of the County Court for the Time being to attend them on all Occasions relating to the Act And that he be Qualified by Oath before some Magistrate to keep fair and just Entries of the Proceedings of the said Justices and do all Necessary Services in relation to this Act that shall be required of him by the Justices aforesaid for all which Services he shall Annually be Allowed out of the Profitts arising by Virtue of this Act a sum not exceeding eight hundred Pounds of Tobacco and for the better Detecting of Inspectors who shall not do their duty

[Ill practices of Inspectors how punished]

Be it enacted that the Justices of the County Court shall hear and Determine all Complaints against them and if they shall find them defficient in their duty they shall remove any such Inspector or Inspectors and their Proceedings shall be in a Summary way, and if they Adjudge any Inspector or Inspectors to be removed the said Justices in such Case shall with all Convenient Speed Notify the same to the Governor or Commander in Chief for the time being Provided always that the Inspector or Inspectors to be Complained against be summoned to Appear and make his or their Defence but in Case he or they will not Appear his Non Appearance shall be taken for a Confession without some reasonable excuse be given for the same

[Trash Tobacco not to be transported out of the Province, by Land or Water]

And for Preventing the Clandestine Transportation of bad and unmerchantable Tobacco from this Province into the Colony of Virginia or the Province of Pensylvania or the three lower Counties on Delaware called New Castle Kent and Sussex or the reputed Limits of the said Province or Counties as now settled by Inhabitants or to any other Ports or Places Whatsoever out of this Province and also for the better Preventing the Exportation of Tobacco in Bulk or Parcells Be it enacted by the Authority afore-

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said That no Tobacco Whatsoever of the Growth or Production of this Province shall during the Continuance of this Act be transported or carried either into the said Colony of Virginia or the Province of Pensylvania or the three Lower Counties upon Deleware called New Castle Kent and Sussex or the reputed Limits of the said Province or Counties as now Settled by Inhabitants or to any other Ports or Places Whatsoever out of this Province either by Land or Water untill the same hath been first Viewed examined and Stamped at one or other of the Warehouses Appointed or to be Appointed in Pursuance of this Act nor until due entry thereof shall be made with the Officers of the Customs in the district wherein the owner of the said Tobacco shall reside and a Permit Obtained from them for that Purpose And if any Person or Persons shall Presume to carry or Transport or cause to be carried or Transported any Tobacco not inspected and Stamped or without having Obtained such Permit as aforesaid to the said Colony of Virginia or the Province of Pensylvania or the three Lower Counties upon Delaware called New Castle Kent and Sussex or the reputed Lands of the said Province or Counties now settled by Inhabitants or to any other Ports or Places Whatsoever out of this Province He or they so Offending shall forfeit and pay eight hundred Pounds of Tobacco for every Hogshead Cask or Case of Tobacco and one hundred and Sixty Pounds of Tobacco for every hundred Pounds of Tobacco in Bulk or Parcel so Transported or carried out Contrary to the Direction of this Act

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[Penalty]

[An Oath to be taken, by Sheriffs, Constables, and Inspectors]

[Oath]

And be it further enacted that all Sheriffs under Sheriffs and Constables who shall be in Office on the thirtieth day of November one Thousand seven hundred and Sixty three at the first Court to be held for their Respective Counties after the said thirtieth day of November shall take an Oath that if they shall at any time know or be Credibly informed or have Good reason to Suspect that any Tobacco is Present or Packed in any Cask Case Chest or other Package whatsoever or any Tobacco is put on Board any Boat or Vessel in order to be Shipped off without being Inspected or that any Tobacco is Carrying or Carried out of this Province either by Land or Water into the Colony of Virginia or the Province of Pensylvania or the three Lower Counties on Delaware called New Castle Kent and Sussex or the reputed Limits of the said Province or Counties as now Settled by Inhabitants or to any other Ports or Places Whatsoever out of this Province without a Permit for so doing they will forthwith make Information and a Particular Discovery thereof to the next Justice of the Peace of the County where such Tobacco shall be And that all Sheriffs and under Sheriffs Respectively which shall after the said thirtieth day of November be Appointed or Sworn into the said Offices shall at the Time of their being sworn take the same Oath and Obtain a Certificate thereof and every such Officer failing so to do shall forfeit eight hundred

Pounds of Tobacco to the Informer to be recovered with Costs by Action of Debt or Information in any Court of Record within this Province and every Inspector and Constable shall take the same Oath or Affirmation if a Quaker at the first Court held for the County where he resides or at the same Court if Sworn at the County Court after he shall be Sworn into his Office under the like Penalty

Liber H. S. No. 1 [Penalty for not taking the Oath]

And be it likewise enacted that any Justice of the Peace of any County near the Place where any Ship Sloop Boat or other Vessel shall ride upon Application to him made by any Person Susspecting any Tobacco in Bulk or Parcel Hogshead or Hogsheads to be laden on Board such Ship Sloop Boat or other Vessel Contrary to the Directions of this Act such Justice shall and he is hereby empowered and required to issue his Warrant directed to the Sheriff or any Constable of his County and the Sheriff or Constable shall have full Power and Authority and he is hereby required to enter and go on Board such Ship Sloop Boat or other Vessel to Search for and Seize such Tobacco and the same being Seized shall be brought on Shore and carried before the same or any other Justice who shall cause the same to be immediately Weighed and if Trashy or bad immediately burnt if Good carried to the Inspecting House there to be inspected and Sold for the use of the County and, if any Master Owner or Commanding Officer of any Ship or Vessel or the Skipper of any Sloop Boat or other Vessel or any other Person Whatsoever shall resist the Officer in the Execution of any such Warrant every such Master Owner or Commanding Officer shall forfeit and pay eight thousand Pounds of Tobacco and every such Skipper Sailor or other Person so resisting shall forfeit and pay three thousand two hundred Pounds of Tobacco which forfeitures shall be recovered in any Court of Record of this Province by Action of Debt Bill Plaint or Information wherein no Essoin Protection or Wager of Law nor more than one Imparlance shall be Allowed one half thereof to the Informer the other half to be Applied to the several and Respective Counties to defray the expence that hath or may accrue in the due Execution of this Act And if any Action shall be brought against any Justice of the Peace Sheriff under Sheriff or Constable or other Officer Appointed by this Act for doing any thing in the Execution of this Act the Defendant may plead the General issue and give this Act in Evidence and if the Plaintiff shall be Nonsuit or a Judgment pass against him upon a Verdict or Demurer the Defendant shall recover Double Costs

[Justices to issue Warrants for searching Suspected Vessels]

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[Masters or Skippers resisting, to be fined 8000lb and the Sailors each 3200lb of Tobacco]

And be it further enacted by the Authority aforesaid that no Person taking upon himself the Office of an Inspector shall during his Continuance in that Office or within two Years next after he shall be out of his said Office be capable of being elected a Member of the House of Delegates or shall presume to intermeddle or concern himself with any Election of a Delegate or Delegates Otherwise than by giving his Vote or shall endeavour to influ-

[Inspectors not to be capable of being Members of the House of Delegates, or Collectors of Quit Rents, or Public or County Levies; nor to receive Tobacco by way of Loan, Barter or Exchange]

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ence any Person or Persons to give his or their Vote or Votes under the Penalty of eight Thousand Pounds of Tobacco for every Offence neither shall any Inspector during the time aforesaid be or under take to be Collector of his Lordships Quit rents or of any Public County or Parish Levies or of any Officers ffees nor shall directly or indirectly for himself or any other Person during his Continuance in the said Office buy receive by way of Barter Loan or Exchange any Tobacco Whatsoever or suffer or permit any Tobacco to be bought by any Person or Persons Whatsoever with any Money arising by the Sale of any Goods Wares or Merchandizes Whatsoever made by any of the Inspector or Inspectors either upon their own Accounts or the Accounts of any other Person or Persons whatsoever nor shall any way intermeddle with or busy him or themselves in Procuring Tobacco to be Sold or Consigned to any Merchant or in Lading any Ship or Vessel with Tobacco (except the Proper Tobacco of such Inspector or Inspectors under the Penalty of two hundred and forty Pounds of Tobacco for every hundred Pounds weight of Tobacco and so in Proportion for a greater or less Quantity so bought or received or Procured to be consigned or laden on Board such Vessel to be recovered before one Magistrate as in Case of small Debts where the forfeiture does not exceed six hundred Pounds of Tobacco and where it exceeds Six hundred Pounds of Tobacco in any Court of Record with Costs of Suit by Action of Debt Bill Plaint or Information one half thereof to the use of the informer and the other to the Several and Respective Counties to defray the expence

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[But may receive their own Debts or Rents in Tobacco]

that hath or may Accrue in the due Execution of this Act Provided always that nothing herein contained shall be construed to hinder any Inspector from receiving his own Proper Debts or rents in Tobacco which shall be first Viewed and Stamped According to the Directions of this Act

[Inspectors not to accept of any Fee, or reward]

And for the further and better Direction of the Inspectors aforesaid in their duty Be it enacted that no Inspector shall take Accept or Receive directly or indirectly any Gratuity Fee or reward for any thing by him to be Done in Pursuance of this Act other than his Sallary and the other Payments and Allowances herein before mentioned and expressed and if any Inspector shall take Accept or receive any such Gratuity fee or Reward every such Inspector being

[Penalty]

thereof convicted shall forfeit and pay eight Thousand Pounds of Tobacco to be rcovered with Costs by any Person or Persons who shall inform or sue for the same by Action of Debt Bill Plaint or Information in any Court of Record within this Province and moreover shall be disabled from holding the Place or Office of an Inspectors or any other Office during the Continuance of this Act

[No person to offer any Bribe or Reward]

and if any Person or Persons shall offer any Bribe Reward or Gratuity to any Inspector for any thing by him to be Done in Pursuance of this Act other than the fees and Allowances herein before mentioned and Appointed every Person so offending and being thereof Convicted shall for every such Offence forfeit and pay Sixteen hundred Pounds of Tobacco to be recovered in any Court within this Province to the Uses in this Act hereafter mentioned

Liber H. S. No. 1 [Penalty]

And be it further enacted that when any Person shall be entituled to receive a Hogshead of Tobacco by Virtue of any Inspector or Inspectors Notes or Receipts the Inspector or Inspectors shall be Obliged to open the Hogshead and shew such Tobacco to the Person Demanding the same and also reweigh the same if Required Whether such Tobacco be Crop or Transfer and if such Person shall refuse to Accept of the Tobacco offered or Tendered in Payment as bad unsound and unmerchantable such Person so refusing and not Accepting thereof shall make immediate Application to any one Justice of the Peace in the County where such Warehouse shall be at which the Tobacco so refused shall be offered or Tendered in Payment who is no ways related to the Parties now concerned in Interest and the said Justice by Warrant under his Hand shall immediately Appoint three of the most able Planters well skilled in Tobacco and who are no ways related to the Parties or concerned in Interest to view and Examine the said Tobacco which said three Planters so as aforesaid Appointed shall immediately repair before some Justice and shall take an Oath or Affirmation if a Quaker before such Justice which Oath or Affirmation such Justice is hereby impowered and required to Administer carefully to View and examine the said Tobacco and to the best of their Skill and Judgment not to pay any Tobacco that not sound well Conditioned Merchantable and Clear of Trash According to the Directions of this Act and that they will therein do their duty According to their Judgment and Conscience without fear Favour Affection Malice or Partiality which said three Planters so Sworn are hereby directed impowered and Required upon such Application to repair to the Warehouse where such Tobacco shall be Offered or Tendered in Payment and Carefully to view and Examine the same in such Manner as they shall think fit and if any two of them shall Adjudge the Tobacco or any part thereof so tendered or offered in Payment to be bad unsound or Unmerchantable to Cause the same to be immediately burnt unless the said Inspector or Inspectors shall desire to Pick the same in which Case the said three Planters Chosen to view such Tobacco as aforesaid shall Cause the said Inspector or Inspectors to pick the same and shall Cause the bad unsound and unmerchantable Tobacco therein to be burnt and for their Trouble the said three Planters who shall be Present at such View shall be paid by the Inspector or Inspectors who offered the same in Payment forty Pounds of Tobacco each and if the said Planters or any two of them shall Adjudge the Tobacco so Offered or tendered in Payment to be good sound and Merchantable According to the directions of this Act the said

[If any Disputes arise about the quality of Tobacco, the same to be decided by 3 skillful planters appointed by a Magistrate]

[The 3 Planters to be sworn]

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[The Judgment of 2 of them to determine]

[Their Fees, by whom paid]

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Planters so Attending shall be paid by the Party desiring such View forty Pounds of Tobacco each as aforesaid and when any Tobacco shall be tendered or offered in Payment by any Inspector and refused the said Inspector or Inspectors shall not be at Liberty to tender or offer in Payment nor the Person Demanding the same to receive any Tobacco in Leiu thereof before such Tobacco shall have been viewed as aforesaid but the Person refusing shall immediately Mark the same and if any Inspector shall offer or tender in Payment any Tobacco in Lieu of the Tobacco so refused before the same shall have been viewed as aforesaid or shall not Produce the same Tobacco so refused to the said Viewers in either Case it shall be taken for a Conviction that the Tobacco first tendered in Payment was bad unsound and unmerchantable and moreover the said Inspectors shall forfeit and pay Sixteen hundred Pounds of Tobacco for every such Offence and if the Person who shall refuse any Hogshead of Tobacco as aforesaid shall Accept and receive another Hogshead of Tobacco in lieu of that refused before such Hogshead so refused shall be viewed as aforesaid he shall forfeit and pay Sixteen hundred Pounds of Tobacco for every Hogshead

[Tobacco offered, and refused, not to be charged without being viewed, under a Penalty]

Provided always and Be it Enacted that where two Inspectors in the same Inspection shall Disagree as to the Quality of any Hogshead or Hogsheads of Tobacco and that a review shall be required and such Hogshead or Hogsheads or any part thereof shall be by such reviewers adjudged unmerchantable or be burnt by the Directions of this Act that then and in such Case the Inspector who was against first Passing such Tobacco or Tobaccoes shall not be Burthened with making Satisfaction for the same or any part or Parcel thereof but then and in such Case the other Inspector who would have passed the same and Approved thereof shall be burthened with and make Satisfaction for the whole, any thing in this Act to the Contrary in any wise notwithstanding

[In case Inspectors disagree in opinion]

And when any Prized Tobacco shall be brought to any Public Warehouse in Order to be Shipped on Freight and the Inspector or Inspectors there Attending shall refuse to pass such Tobacco unless such as shall be bad and unmerchantable be picked and Seperated from the rest in such Case the said Inspector or Inspectors shall permit the owner or other Person bringing such Tobacco to make use of one or more of their Prizes for the Repacking and Prizing such Tobacco And if there shall be Several Hogsheads of Tobacco belonging to Several Owners to be Picked repacked and Prized at any Publick Warehouse the owner or other Person bringing the same whose Tobacco shall be first viewed and refused shall be first Permitted and Allowed to make use of such Prize or Prizes and the same Rule shall be Observed in the Prizeing all Tobaccoes which shall be Picked repacked and Prized as aforesaid And for all Tobacco repacked and Prized by the owner thereof or the Servants

[What is to be done by the owner of Tobacco, when the same is refused by the Inspectors]

[Tobacco first brought, to be first sorted]

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and Slaves to him belonging there shall be paid to the Inspectors thereof only twenty eight Pounds of Tobacco on the Eastern Shore and twenty four Pounds of Tobacco on the Western Shore for Stamping and for all Tobacco repacked and Prized by the Inspectors fifty six Pounds of Tobacco for each Hogshead and also four Pounds of Tobacco for Nails unless the Proprietor shall find and provide Nails And no Inspector shall take or Convert to his use or Otherwise dispose of any Draughts or Samples of Freight or Crop Tobacco but the same (if fit to pass) shall be Carefully put into the Hogshead out of which it was Drawn under the Penalty of forfeiting one Hundred and Sixty Pounds of Tobacco for every Draught so taken away Contrary to the Directions of this Act To be recovered before any Justice of the Peace of the County wherein such Offence shall be Committed And all and every Inspector or Inspectors if required shall alter the Mark of any Hogshead of Tobacco for which they have before given a Receipt and for Preventing Confusion and Mistakes shall keep a Waste Book in which shall be entered the Marks and Numbers of all Hogsheads of Tobacco received by them and Another Book in which shall be entered the Marks and Numbers thereof when the same shall be delivered out by them And all Inspectors when required shall be Obliged to Prize any Hogshead of Crop Tobacco under nine hundred and fifty Pounds Nett so as to make it up that Weight but shall receive the same Fee upon such Hogshead as for Transfer Tobacco and may make the Lawfull Abatements for the Tobacco Prized in And where any Tobacco shall be brought to any Warehouse by the Overseer of the owner thereof the Inspector or Inspectors shall give Notes and Receipts in the name of the Owner and not of the Overseer which Notes and Receipts shall be delivered to the Owner or to his Order

[28℔ & 24℔ of Tobacco to be paid the Inspectors]

[Samples, if good, to be replaced]

[Inspectors to keep books of marks and numbers]

[Notes to be given in the name of the owners]

And be it further enacted by the Authority aforesaid that any light Hogshead or Parcel of Tobacco after the same shall be Passed at any Publick Warehouse and not Stamped shall and may be delivered out by the Inspector or Inspectors to the owner of their Notes and such Tobacco may be carried away for the better Sorting and Stemming the same Provided the Person receiving such Tobacco shall pay for the Inspection thereof after the rate of fifty six Pounds of Tobacco for every nine hundred and fifty Pounds weight and so in Proportion for a greater or Lesser Quantity and that such Tobacco shall not be Shipped off untill it shall be again Inspected Passed and Stamped for which the Inspector or Inspectors shall again receive the Established fees under the same Penalties as are herein before Inflicted for Shipping of and taking on Board any Ship or Other Vessel Tobacco not Inspected Viewed and Stamped According to the Directions of this Act

[Light Hogsheads of Tobacco, not stamped, may be delivered by Inspectors to Owners of their notes; but not Shipped]

And be it further enacted That the Owner of any Transfer Notes may at any time receive and Mark Hogsheads of Tobacco

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for Satisfying such Notes and the Inspector or Inspectors shall take in his or their former Notes and Deliver Crop Notes and Receipts for such Hogsheads and shall be Answerable for the Safe keeping thereof in the same Manner as they are for Crop Tobacco But the Persons receiving such Hogsheads shall pay to the Inspectors sixty Pounds of Tobacco for the Inspection and Nails for every Hogshead that is to say thirty two Pounds of Tobacco upon the Eastern Shore and thirty six Pounds of Tobacco upon the Western Shore down and twenty eight Pounds of Tobacco on the Eastern Shore and twenty four Pounds of Tobacco on the Western Shore when the Tobacco shall be delivered out And the Inspectors shall sell all Transfer Tobacco which shall not be so received and Marked on the second day of holding the Court if fair Weather if not on the next fair day of the Court of their Respective Counties in the Month of November yearly by Publick Auction in Single Hogsheads and not Otherwise in their County Courts respectively held in that Month and shall pay the Money arising by such Sale at the Average Price of the Sale of the Tobacco belonging to each House in Satisfaction of their Notes Time to Time to the Proprietors thereof making their Demand under the same Penalty as is inflicted for not Paying Inspection Notes

[Transfer Tobacco, not Received and marked, to be sold annually by Auction]

[Frauds in selling only Part of the Transfer Tobacco, how to be prevented]

And for Preventing frauds that may be Practised by selling only part of such Tobacco not received as aforesaid Be it enacted that all Inspectors shall in Ten days before November Court in each Respective County Yearly lodge with the respective County Clerks where they shall Officiate an Account upon Oath of all the Transfer Tobacco at that time in their Hands before the same shall be exposed to Sale And all Inspectors shall keep a just and true Account of the Tobacco gained or saved upon the Allowances made for Cask or Shrinkage of Transfer Tobacco and if any Tobacco shall be so Gained or Saved shall exhibit an Account thereof upon Oath or Affirmation if a Quaker in the same Manner as is before directed Concerning Transfer Tobacco not Received and shall also sell the Tobacco so gained and saved in the same manner as is before directed for the Sale of Transfer Tobacco and shall Account for the Money arising by such Sale to the Justices aforesaid and no Inspector shall Convert any Tobacco so Gained or Saved to his own Use either by the Allowances for Shrinkage or four per Cent for Cash or Otherwise howsoever

[Inspectors to account every November court, with the Justices]

And be it further enacted by the Authority aforesaid that all Inspectors shall Annually in November Court after the Sale of the Transfer Tobacco and one day before the laying of the County levy Account with the Justices of the respective Counties upon Oath or Affirmation if a Quaker for all Monies and Tobaccos received or which ought to be received by them by Virtue of this Act except

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the Money and Tobacco paid for Nails for every Hogshead of Transfer in which Account they shall be Allowed their Sallaries the rent for Warehouses Purchase of Tobacco Hogsheads and other Necessary Disbursements in Pursuance of this Act and shall and are hereby Obliged to pay the Owners or Proprietors for the Rent of their Warehouses the same proportion in Money and Tobacco as they shall on the whole receive in that Year on Account of their said Several Warehouses

[Charges arising by Salaries, &c. to be settled in November annually] p. 477

And if it shall so happen that at the laying of the said County levy there shall be any Claim or Claims arising by the Salary of an Inspector or Inspectors County Clerk or other Annual Charge from any Inspecting House or Houses within any County in this Province it shall and may be lawfull for the Justices of such County Respectively and they are hereby directed and required at the November Court of such County Yearly to Assess and levy a Quantity of Tobacco Sufficient to discharge the same on the Taxable Inhabitants of such County that thereby the Current expences of each Year may be defrayed

[A fourth to be deducted from old Tobacco Debts]

And be it further enacted That all Debtors now owing Tobacco which did arise due before the Sixteenth day of May Seventeen hundred and forty Seven their Executors and Administrators shall if they pay their Tobacco Debts then due in Inspected Tobacco at Warehouses in Pursuance of this Act be Allowed by their Several and respective Creditors their Executors or Administrators a Deduction of one fourth Part of their said Debts or Demands

[Debts contracted for Tobacco]

And for as much as Several or most of the Traders within this Province have kept their Books in Money though in truth their dealings have been for Tobacco and the intentions both of Creditor and Debtor hath been that the Payment should be made in Tobacco Be it therefore enacted That in all such Cases the Creditor shall be Paid in Tobacco at the General Rates such Creditor dealt at the Time such Contract was made and Accordingly to the true intent and meaning of this Act deducting from such Debts one fourth part of the Demands as aforesaid if the Creditor be paid in Inspected Tobacco in Case of Debts due before the Sixteenth day of May Seventeen hundred and forty seven and not Otherwise

[Notes, bonds, &c given for money, to be void if the debt was contracted for Tobacco before May 16, 1747]

And be it further enacted by the Authority Advice and Consent aforesaid That all Judgments Bonds Bills Mortgages Bills of Exchange Notes or Other Securities of any kind for the Payment of Money instead of Tobacco which have been or shall be taken in order to elude the Provision made by this Act or the Act entituled an Act for Amending the Staple of Tobacco for Preventing frauds in his Majestys Customs and for the Limitation of Officers ffees made at a Session of Assembly begun and held at the City of Annapolis on the Sixteenth day of May Seventeen hundred and forty

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seven for the Abatement and Deduction of Tobacco Debts by any Person or Persons whatsoever to his her or their own use or to the Use or in Trust for any other Person or Persons since the fifteenth day of May Seventeen hundred and forty seven shall be Void and of none Effect

[If execution be issued, in such case, the party may sue an *Audita Querela*]

And be it further enacted That if any Judgment hath been rendered or shall be rendered and that any Execution hath been or shall be issued that the Party May sue an Audita Querela and if any Person or Persons shall be sued on any such Bond Bill Mortgage Bill of Exchange Note or other Security taken in order to elude the Provision made by this Act or the Act entituled An Act for Amending the Staple of Tobacco for Preventing frauds in his Majestys Customs and for the Limitation of Officers ffees made at a Session of Assembly begun and held at the City of Annapolis the Sixteenth day of May Seventeen hundred and forty seven as aforesaid that the Defendant or Defendants may Plead the General Issue and give the Special Matter in Evidence and if it shall Appear to the Court or Jury who shall try the fact that the Bond Bill Mortgage Bill of Exchange Note or other Security upon which the Suit shall be commenced was given for Money in lieu or Stead of Tobacco in order to elude the Provision made by this or the said recited Act as aforesaid That the Plaintiff shall be Non Suit and pay the Defendants Costs p. 478

[To prevent the Defendant from Injury, the Plaintiff may be sworn]

And to the end that no Defendant may be injured by the difficulty of Proving the facts Be it enacted That it shall and may be lawfull for the Court wherein any such Judgment hath been or shall be entered or wherein any such Action shall be commenced to examine and interrogate the Plaintiff or Plaintiffs upon his or their Oath or Affirmation in Case a Quaker or Quakers is or are concerned for what Consideration such Judgment Bond Bill Mortgage Bill of Exchange Note or other Security was Passed and if it shall Appear upon such Examination that the same was given or passed for Money instead and Lieu of Tobacco as already mentioned that then and in such Case the Plaintiff or Plaintiffs shall be Nonsuit and pay the Defendants Costs and in Case any Plaintiff or Plaintiffs shall refuse to Submit to such Examination such Refusal shall be Deemed and taken to be a Confession or Proof of the Fact

[Punishment for false swearing]

And be it likwise enacted That if any Plaintiff in any such Case shall knowingly Swear or Affirm falsely and be thereof Convict he She or they shall suffer as in Case of Wilfull and Corrupt Perjury

[Contract for Tobacco in specie]

Provided always and it is the true Intent and Meaning of this Act that Nothing herein contained shall extend or be construed to extend, to Vacate or Abolish any Contract, Bargain or Agreement, made for the Payment of Tobacco in Specie before the said Sixteenth day of May seventeen hundred and forty seven but that such bargain

Contract or Agreement shall be and remain in full Force and Effect any thing in this Act contained to the Contrary Notwithstanding

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[Judgment bonds taken for Money in lieu of Tobacco]

And be it further enacted that all Bonds (with Power of Attorney to Confess Judgment) taken for Money in Lieu of Tobacco between the fifteenth day of May Seventeen hundred and forty seven and the first day of December Seventeen hundred and forty eight shall be and are hereby made Void and of no Effect And it shall not be lawfull for any Justices of any Court within this Province to render or give Judgment on such Bonds by Virtue of such Power of Attorney and no Clerk or Clerks of any Court or Courts within this Province shall issue or make out any Execution upon such Judgment And that during the Continuance of this Act no Judgments shall be entered on any Judgment Bonds for Money taken afeer the fifteenth Day of May One thousand Seven hundred and forty Seven untill the Court Judge or Justice before whom a Judgment is or shall be Offered to be entered up be Satisfied that the Defendant or Defendants is or are actually run away nor even then unless the Plaintiff or his Attorney in Fact or one Acquainted with the Transaction makes Oath that the Bond was not Passed for a Tobacco Debt Contrary to the true intent and Meaning of this or the aforesaid other recited Act

[Encouragement for Persons not making Tobacco]

And Whereas the excessive Quantity of Tobacco made may in some Measure depreciate that Branch of Trade In order therefore to encourage the Manufacturing of Hemp Flax and other Proper Materials for the Necessary Cloathing and Use of his Majestys Subjects within this Province and to divert Part of the People from Labouring in Tobacco: Be it enacted by the Authority Advice and Consent aforesaid That from and after the end of this Session of Assembly it shall and may be lawfull for any Person or Persons not making Tobacco by themselves Servants or Slaves within this Province to pay at or before the tenth Day of April yearly or as the Business or Services, they may want in any of the Offices shall be done during the Continuance of this Act as well the Poll Tax due to the Clergy as all Lawyers and Officers fees and Assessments for Building or repairing Churches in Gold and Silver as regulated by this Act and that such Payment or Tender thereof and refusal shall be a full Satisfaction and discharge for the same though Charged in Tobacco any law Statute Usage or Custom or any thing contained in this Act to the Contrary therof in any wise Notwithstanding

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[To pay off Taxes and Fees, in Gold and Silver, as regulated by this Act]

[To be sworn that they made no Tobacco for sale]

Provided always That every Person or Persons Allowed by this Act to pay Gold and Silver instead of Tobacco due as aforesaid shall make Oath or Affirmation if a Quaker that he did not in the Year Preceeding by himself or by his Children Servants or Slaves make any Tobacco for Sale

Liber H. S. No. 1

[Inhabitants of this Province not making Tobacco in it]

And be it enacted That where any Person or Persons within this Province shall have Taxable Persons in different Counties and doth not by himself or themselves Children Servants or Slaves make Tobacco within this Province That it shall and may be lawfull for such Person or Persons to make Oath to that Purpose before any Justice of the County where such Person or Persons shall reside and a Certificate or Certificates of such Oath from the said Justice shall be sufficient to any Sheriff in a different County to receive Gold or Silver in lieu of Tobacco from such Person or Persons for such Taxables

[In case those who do not make Tobacco cannot pay by the tenth of April;]

[The rates Sheriffs may execute for in Tobacco mentioned in this Act]

And Whereas many Persons not making Tobacco have been and may be unable pay the Poll Tax due to the Clergy and Lawyers and Officers ffees in Gold or Silver aforesaid by the Tenth day of April Yearly and as it hath been and may Prove a great Inconvenience and Oppression to such Persons to be Obliged to pay and discharge the Poll Tax due to the Clergy and Lawyers and Officers Fees in a Commodity which they frequently cannot Procure but by Purchase from Sheriffs and others who taking Advantage of their Necessity demand and exact exorbitant Prices for the same For remedy whereof be it enacted by the Authority Advice and Consent aforesaid that it shall not be lawfull for any Sheriff or other Officer to take or Demand of or from or execute or Cause to be executed any Person or Persons not making Tobacco by him or them his or their Children Servants or Slaves or the Goods and Chattells of such Person or Persons not making Tobacco as aforesaid for the Poll tax due to the Clergy Lawyers or Officers ffees Assessments for Building or repairing Churches or for Publick or County levies in any other manner than for Gold and Silver at the Rates in Tobacco mentioned in this Act Notwithstanding that such Person or Persons not making Tobacco as aforesaid shall fail in Paying before the Tenth day of April Yearly the Poll tax due to the Clergy Lawyers or Officers fees Assessments for Building or repairing Churches the Publick or County levies as by this Act is directed Any thing herein contained or any Law to the Contrary Notwithstanding

[Certificate of an Oath to be lodged with the Sheriff]

Provided always that such Person or Persons not making Tobacco as aforesaid shall make Oath or Affirmation thereof if a Quaker According to the Directions of this Act and lodge a certificate of such Oath or Affirmation with the Sheriff of the County at or before the tenth day of April Yearly the Party lodging such Certificate taking a Copy thereof from the Sheriff which he is hereby directed to give p. 480 and Attest and which Copy so Attested by the Sheriff shall be Good Evidence to Prove that the Party lodged such Certificate

[Sheriffs to execute after the 10th of June]

And be it likewise enacted that in case such Person or Persons not making Tobacco as aforesaid shall make Oath or Affirmation thereof if a Quaker and lodge a Certificate thereof with the Sheriff of the County as aforesaid on or before the Tenth day of April as is

Liber H. S. No. 1

before directed and shall not pay in Gold and Silver as aforesaid the Poll Tax due to the Clergy Lawyers and Officers fees Assessments for Building or Repairing Churches Publick or County Levies on or before the tenth day of June in every Year during the Continuance of this Act that then and in such Case the Sheriff or other Officer who shall be legally Authorized to receive and Collect the same shall Execute such Person or Persons his her or their Goods and Chattells after the said tenth day of June for such Poll Tax Assessments Publick or County levies in Gold and Silver as regulated in Tobacco as aforesaid

[Persons making Tobacco may pay Part in Money]

And be it likewise enacted that it shall and may be lawfull for any Person or Persons making Tobacco by themselves his her or their Children Servants or Slaves to pay what Tobacco he She or they shall make in one Year during the Continuance of this Act towards the discharge and Satisfaction of his her or their Several and Respective Debts due the same Year for the Poll Tax to the Clergy and for Lawyers and Officers fees to be Divided Proportionably between every such Creditor and the remaining part of such Debts to discharge and pay in Gold and Silver any thing in this Act or any law to the Contrary Notwithstanding

[To make Oath that they made no more Tobacco than what they have paid, &c]

Provided always that every such Person or Persons making Tobacco as aforesaid before he she or they shall be Allowed to pay or discharge any part of the Poll Tax aforesaid Lawyers or Officers ffees in Gold and Silver as aforesaid do and shall make Oath or Affirmation if a Quaker at or before the tenth day of April Yearly that he She or they hath or have not by him her or them his or their Children Servants or Slaves made any more Tobacco than what he She or they hath or have already Paid towards the Discharge and Satisfaction of the Poll Tax due to the Clergy and Lawyers and Officers fees except what he She or they have consumed or shall consume in his her or their Families in such Year Provided also that such Person or Persons not making Tobacco enough as aforesaid do pay the same at or before the fifth day of April Yearly and likewise pay and Satisfy on the tenth day of June Yearly in Gold or Silver as aforesaid the residue of the Poll Tax due to the Clergy Lawyers and Officers ffees which the Tobacco he She or they shall so pay shall be insufficient to discharge and Satisfy

[Such Tobacco to be paid by the 5th of April]

[Penalties and Forfeitures how to be recovered and applied]

And be it further enacted by the Authority aforesaid that all the Penalties and forfeitures in this Act mentioned and not herein Particularly Appropriated shall be recovered in the manner of the Right Honourable the Lord Proprietary one Moiety thereof to be Particularly Applied towards defraying the Charge of the County where the Offence shall be committed and the other half to the Person that will inform or sue for the same and where the Penalty or forfeiture exceeds Six hundred Pounds of Tobacco the same to be recovered

Liber H. S. No. 1 p. 481

[Prosecutions to be in a year]

in any Court of Record and where the Penalty or Forfeiture does not exceed the aforesaid sum to be recovered before one Magistrate as in the Case of Small Debts Provided always that such Prosecutions be commenced within one Year after the Offence Committed

[Fees to Officers after the last of November 1763]

And be it further enacted by the Authority aforesaid that no Officer or Officers hereafter mentioned in this Present Act their Ministers Servants or Deputies by reason or Colour of his or their Office or Offices shall have received or take of any Person or Persons directly or indirectly any other or greater Fees which shall arise or become due after the last day of November in the Year One thousand Seven hundred and Sixty three than by this Act are hereafter Limitted and Allowed to the several Officers hereafter mentioned That is to say

[Fees to the Chancellor.]

To the Chancellor or Keeper of the Great-Seal.

	Pounds of Tobacco
For the Seal of an Original Writ	4
The Seal of a Recordari	9
The Seal of a Subpœna ad respondendum, with 3 Names, or under	12
The Seal to a Proclamation of Rebellion	270
The Seal of a Commission of Rebellion	270
The Seal of a Grant or Patent of Land, for 500 Acres, or under	90
The Seal of every Patent or Grant for any Quantity above 500 Acres, for every hundred Acres	9
Seal of a Decree in Chancery, if required	320
Seal of an Injunction in Chancery	180
Seal of an Audita Querela	90
Seal to Execution of a Decree in Chancery	120
Seal of a Writ of Covenant for passing Fine	12
Seal of a Commission to take Acknowledgment	90
The Chancellor's Hand to a Writ of Assize	180
The Seal to a Writ of Error, to the Governor and Council, as a Court of Appeals	180
Seal to a Scire facias thereupon	180
Seal to a Supersedeas thereupon	180
Seal to a Certiorari	180
The Seal to an Exemplification of Land, the same with the Patent or Grant	

[Fees to the Chancellor.]

	Pounds of Tobacco
The Chancellor's Hand to a Writ of Covenant	180
A Seal to a Mandamus	90
A Seal to a Melius inquirendum	90
The Seal to a Commission of a County or Provincial Court, with a Dedimus Potestatem to swear the Justices	500
Seal of a Supersedeas, to a Commission of Rebellion or Supplicavit	180
The Seal of a Sheriff's Patent for his Office	360
Seal of a Posse Comitatus	90
Seal of a Writ of Discharge (if any)	90
Seal of a Patent of Denization	320
Seal of Ne exeat Provinciam	90
Seal of a Writ of Error from any County Court	90
Seal of a Scire facias thereupon	90
Seal of a Supersedeas thereupon	90
Seal of every other Matter or Thing that shall pass the Great Seal, and not herein contained, each	90

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Secretary's Fees.

[Fees to the Secretary.]

	Pounds of Tobacco
A Recordari	6
A Subpœna ad respondendum, with three Names, and Return	12
Every Name more than three	2
An Attachment of Contempt	8
A Proclamation of Rebellion	64
A Commission of Rebellion	64
An Injunction	38
A Writ of Sequestration, per side	7
An Audita Querela	87
Filing every Bill in Chancery	19

[Fees to the Secretary.]

	Pounds of Tobacco
Every Court the same shall continue	19
Filing every Answer in Chancery	17
Every Oath to the same	5
Recording every Return of Commission and Deposition, per side	7
A Writ of Ad quod Damnum, per side	7
Passing Decree	26
Every Motion in Court, and Order thereon	12
A Ne exeat Provinciam	64
A Writ of Enquiry of Damage, per side	7
A Commission to take acknowledgement	64
A Writ of Covenant to pass a Fine	8
A Writ of Assize	51
A Writ of Melius inquirendum, or Monstraverunt	64
Drawing any Instrument that passeth the Seal, if it exceed one side, computing seven Words to a Line, and fifteen Lines to a side; and so pro rato	7
For recording the same per side, as before	7
Entring any other matter upon Record, if it exceed not half a side	3
If the Matter entered upon Record exceed half a side, then per side as before	7
Copying, the same per side with recording	7
Any Warrant or Licence against or to more than one, not under Seal, each	7
Any Warrant or License against or to one Person only, not under the Seal	7
Any other Pass or Discharge, not under the Seal	7
Search of a Record the first Year	Nothing.
Every Search afterwards, be the Time of what length soever, if the Matter searched for be found	15
Writing a Sheriff's Commission, Bond, and Recording it	153
Writ of Posse Comitatus	76
A Writ of Discharge, (if any)	76
Writing and recording a Commission and Dedimus Potestatem, for every County Court	211

Liber H. S. No. 1 [Fees to the Secretary.]

	Pounds of Tobacco
Issuing and Filing every common Writ and Return	12
Every Subpœna and Return	20
Filing and recording every Declaration, per side, accounting 15 Lines to a side, and 7 Words to a Line	7
A Copy of the same at the same rate, not to be charged unless required and delivered, per side	7
Every Appearance entered	5
Entry of an Imparlance	4
A Continuance, or Reference	4
Filing and recording Plea, if not Special	8
Special Plea, per side, as before	7
Making up the Issue	20
Rule to plead, or for Tryal	4
A Venire facias for Jurors	16
A Copy of the Pannel	4
Entring Pannel	4
Entring every Verdict	4
Entring and signing Judgment	25
A Copy of the Judgment	16
A Transcript of the whole Proceedings per side, as before	7
Filing a Bill of Cost	7
A Copy thereof, if demanded and delivered	7
Issuing every Execution and filing the same and Return	15
Filing and recording every Demurrer, per side	7
Habere facias Possessionem	16
A Replevin	12
A Procedendo	16
A Writ of Restitution	16
Drawing Dedimus Potestatem, to examine Evidences	32
A Habeas Corpus	22
An Elegrit	22
A Commission of Re-survey	32
A Certiorari	32
A Commission of Audita	32
A Writ of Diminution	16
A Writ of Error to the County Court	57
A Scire facias thereupon	16
A Supersedeas thereupon	16
Entring an Acknowledgment of Land in Court	5
Recording a Conveyance per side, as before	7
Filing every Recognizance in Court	12
Appearance of the Principal to every Recognizance	7
Every Special Bail	7
An Attachment, and Scire facias	26

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Liber H. S. No. 1
[Fees to the Secretary.]

	Pounds of Tobacco
Discharging every Recognizance, with or without Security.....	12
A Copy of every Recognizance..	13
Every Venire facias, or Warrant to apprehend a Criminal......	16
Appearance to every Indictment, or Verdict	7
Every Respite and Continuance.	15
Every Order in Criminal Cases.	7
Every Indictment per side, as before	7
A Copy of every Indictment, per side	7
Filing Plea to the same........	8
Confession to every Indictment	7
Allowance of a Writ of Error..	11
Every Indictment, after the first Name	10
Rule of Tryal.................	7
Recording the Verdict.........	4
Entering Conviction, and signing Judgment	25
A Writ of Execution, thereupon	36
A Writ of Withernam.........	25
A Writ of Estrepment.........	25
Scire facias on a Judgment, per side	7
Scire facias against special Bail, per side	7
Scire facias against Security for Cost on a Recognizance, per side	7
p. 484 Swearing every Jury..........	46
Swearing every Bailiff.........	4
Every other Oath in Court.....	4
Duces tecum per side, as before	7
Affixing the Seal of the Court to the Copy of any Judgment, or a Transcript of any Judgment, or any Record, or Certificate	12
Taking Security on Condemnation on Attachments.........	6
A Writ of Re-restitution, per side	7
Entering every Action agreed..	2
A Commission to examine Evidences, per side.............	7
A Scire facias on a Certiorari, per side	7
A Scire facias on Audita Querela, per side................	7
An Attachment on Non-compliance with the common Rule in Ejectment, per side..........	7
A Provincial Commission and Dedimus Potestatem, per side.	7
A Summons in Partition, per side	7
A Writ of Partition, per side...	7

[Fees to the Secretary.]

	Pounds of Tobacco
An Attachment in Partition, per side	7
A Habere facias Seisinam, per side	7
A Returno habendo, per side...	7
A Writ of Distringas, per side.	7
A Commission of Oyer and Terminer, per side..............	7
A Commission of Goal-Delivery, per side	7
A Dedimus Potestatem to swear the Judges of Assize, or Sheriff, per side.................	7
A Writ of Publication to the Laws	12
Drawing a Protest and recording it, if not a special one.....	102
Drawing any other Matter, as Public Notary, attested under the Seal	32
If such Matter exceed one side, then per side...............	7
Drawing every special Protest, per side	7
And for every other Service, not herein mentioned, per side, and so pro rato.................	7

Commissary-General's Fees.

[Fees to the Commissary-General.]

	Pounds of Tobacco
For every Entry of Demand for Administration, or Probate of Wills	2
For every Order in Testamentary Causes	7
For every Letter of Administration, or Letters Testamentary.	54
For every Bond...............	25
For every Oath..............	7
For a Warrant to Appraisers...	12
For a Warrant to swear them.	12
Every Commission to prove a Will, or pass Account, or take Administration	54
Dedimus Potestatem to take an Answer, per side...........	7
For recording Wills, Inventories, Accounts, or any other Matter; or copying the same out of the Commissary's Office; per side, computing 7 Words to a Line, and 15 Lines to a side....................	7
Filing Costs	7
Copy Costs	7
Recording Definitive Sentence, per side	7
Executing Definitive Sentence, per side	7
Drawing Definitive Sentence, per side	7

[Fees to the Commissary-General.]

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	Pounds of Tobacco
Seal to Definitive Sentence	224
Seal to Execution of Definitive Sentence	112
Filing every Libel, Answer, Replication, Petition, &c	19
Copy of every Libel, Answer, Replication, or Rejoinder, per side	7
Drawing Depositions of Witnesses, per side	7
Filing Interrogatories	19
Every common Citation	9
Every special Citation, per side.	7
Every Attachment	25
Attachment on Decree, per side.	7
Subpœna for Costs	10
Every Appearance	7
Entry of every Return	4
Quietus est	Nothing.
For a Continuance or Reference	4
For a Search of a Record the first Year	Nothing.
Every Search afterwards, be the Time of what Length soever, if the Matter sought for be found	15
Exemplification of Letters Testamentary, or Administration under Seal	38
Commission or Proclamation of Rebellion	64
Commission to examine Evidences, and Commission to Auditors	25
Scire facias	25
Duces tecum	32
Entering every Motion in Court, and Order thereon	5
If above one side, after the rate of, per side	7
For transmitting Balance and Order	11
For transmitting Sureties Names and Order	11
For transmitting Distribution and Order, per side	7
Entry of Prayer for Appeal	4
Letters De Bonis non, per side.	7
And for every other Service not herein mentioned, per side; and so pro rato	7

[Fees to the Judge or Register of the Land-Office.]

Liber H. S. No. 1 [Fees to the Judge or Register of the Land-Office.]

To the Judge or Register of the Land-Office.

	Pounds of Tobacco
For a common Warrant and Entry	33
For renewing the same and Entry	33
For recording Certificates, per side, computing 105 Words to a side	9
For making out a Grant	90
For recording the same	67
For every Petition, and Order thereon	150
For a special Warrant, including Petition, and Order thereon	375
For renewing every Special Warrant	75
For every Deed or Assignment.	24
For Hearing and Sentence thereon	75
For searching any Matter or Thing, the first Year	Nothing.
For all Searches above one Year, be the Time of what Length soever, if the Matter searched for be found	15
For all Copies per side, computed as before	9
For every other Service not herein mentioned, per side, and so pro rato	9

[Fees to the Clerks of the County Courts]

To the Clerks of the County Courts

Issuing a Writ and filing the same and return	9
every Declaration if a Side and so Prorato	4½
A Copy of the same if Demanded as before entring every Appearance in any Suit untill Judgment or Discontinuance of Such Suit	4
Every Imparlance	2
filing every plea and Demurer if not a Special one	3
If a side or more Prorato if a Copy delivered Prorato	
entring any Matter upon Record if half a side	2
If more then Prorato as before.	4½
A Subpœna	6
Rule to Plead or Tryal	2
For making up the issue	6
Entring Judgment	9
Signing Judgment	5
A Venire for a Jury	6
Entring the Pannel	2
Filing Bill of Cost	5

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Liber H. S. No. 1

[Fees to the Clerks of the County Courts]

	Pounds of Tobacco
Copy of the same with the Articles at large if Delivered.	5
issuing Execution and filing the same and return	9
For Special Bail	3
A Writ of Enquiry of Damages at Per side and so Prorato	4½
For entring an Appeal	4
A return of a Certiorari and Copy of the Record per side	4½
entring a Writ of Error	4
Every Oath	3
Proving a Deed or Writing	4
A Copy of the same if Required per side	4½
For entring every Capias adrespondendum in Cases where Bail or Security for Costs is ruled upon return of such Writ or where a Declaration is sent with such Writ and a Cepi returned thereon by the Sheriff or Short Notes sent and Judgment given for Attachment or where the Sheriff is Amerced for not bringing in the Defendant but in no other Case per side	4½
For entring Capias Actsatisfaciendum where the Sheriff or Coroner upon return of the Writ is called to bring in the Defendant and his Default is entered or where the Defendant is Committed in Execution but in no other Case per side	4½
For entring Firefacias where the same is executed and Schedule returned but in no other Case Per side	4½
The same fee in Elegits	4½
Recording the Marks of Cattle or Hoggs	3
Taking and Certifying Acknowledgments of Land in Court	5
Recording a Conveyance of Land per side	4½
Allowance of Habeas Corpus	4
For all Searches the first Year nothing	
For all Searches above one Year be the time of what length so ever if the matter searched for is found	10
every Scirefacias at per side and so Prorato	4½
Attachment and Scirefacias	18

[Fees to the Clerks of the County Courts]

	Pounds of Tobacco
Short Copy Judgment	9
Habeas Corpus and filing the same	8
Elegit and filing the same	8
Taking and Recording Bonds for Orphans Estates	16
Duces Tecum	8
Taking Security on Condemnation	3
Entring Action Agreed Struck off or Abated	2
Commission to Examine Evidences at per side and so Prorato	4½

Criminal Fees

For taking every Recognizance with or without Security	8
Discharging of Recognizance with or without Security	8
Issuing a Veneri facias or Warrant and filing the same	9
For every Appearance of the Person charged	5
Every Respite and Continuance.	5
For every Order	4

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A Copy of Recognizance with or without Security	7
For every Indictment per side	5
A Copy of the Pannel	2
For recording the Verdict and Appearance thereto	9
Entring the Judgment	14
Issuing Execution of the Judgment and filing and Recording the same	12
A Copy of the Indictment per side	5
entring a Plea	5
Confession of Indictment	5

Chancery Proceedings
County Courts

Entring Motion and Order	4
entring and Signing Decree	14
Filing Costs	5
Copy Costs with Articles at large if delivered	5
Affixing the Seal to any Transcript or Certificate	5
And for every other Service not herein mentioned per side and so Prorato	4½

[Allowances to the County Clerks for laying the Levies, and other duties]

And be it enacted that the several County Justices in their respective Counties at the time of Assessing the County levy shall and they are hereby

[Allowances to the County Clerks for laying the Levies, and other duties]

impowered and directed to Allow the Clerk of each Respective County the sum of two thousand Pounds of Tobacco Yearly in their County levies in lieu of and for full Satisfaction for Warrants to the Overseers of the Highways Constables Warrants taking and making Indentures of Orphans Assisting in laying and for Apportioning the County levy and all other Services to be done for their Respective Counties and by Order of the Justices for the time being and all the respective County Clerks within this Province for the time being shall and they are hereby Obliged to do all the said Services and such Others for the use of the Respective Counties as shall be required by the Justices of the Peace of each respective County from time to Time and at all times hereafter for and in Consideration of the Allowance aforesaid ....

[Fees to the Sheriff]

Liber H. S. No. 1 p. 488 [Fees to the Sheriff]

To the Sheriff

	Pounds of Tobacco
Serving Writ and taking Bail Bond	26
Collecting the Publick and County dues for every hundred	6
Collecting Officers fees for every hundred	6
For every Comittment and Releasement	30
Impannelling a Jury..........	90
Serving Scirefacias including the Person summoned.......	22
Serving Citation	22
Executing a Commission of Resurvey per day..............	75
Impannelling a Jury..........	180
Summoning Evidences to Prove the Bounds of Land for each Person Summoned	22
If impowered to Swear Jury and Evidence for every Oath.	9
Every Nonest Inventus returned	7
Serving a Subpœna...........	22
For keeping a Prisoner in Custody and finding him Victuals during the first Months Imprisonment per day.........	15
For every days Imprisonment and Victualing after the first Month per day..............	7
Serving a Writ of Possession..	112
Serving an Ejectment.........	75
For electing Burgesses if a whole election and so Prorato for one or more.............	1125
Serving an Attachment of Contempt	37
Serving Writ of Estrepment...	75
Serving Neexeat Provinciam...	90
Serving a Copy of Declaration or Short Note..............	4
Summoning Appraisers to Value Goods taken by an Attachment or forifacias for each Appraiser Summoned	22
Swearing the said Appraisers every Oath	9
Serving an Attachment or Execution	7
And if any Execution be for above one hundred and under five hundred Pounds of Tobacco	37
If it exceeds five hundred Pounds of Tobacco then.....	75
If it exceeds one thousand then for the first thousand........	75
And for every thousand after the first	37
Executing a Writ of Adquod Damnum or Melius inquirendum per day...............	75
Impannelling a Jury on the same	180
Swearing the said Jury for every Oath	9
Taking an Inquisition and returning the same with the said Writ	75
Summoning Appraisers to Value the Goods taken by a Replevin for each Person Summoned..	22
Swearing the said Appraisers every Oath	9
Serving a Writ of Re-Restitution	112
Impannelling a Jury to enquire of a Forceable entry or Detainer	180
If impowered to Swear the same for every Oath........	9
For each Person summoned as an Evidence on the same.....	22
For Swearing the said Evidences every Oath	9

Liber H. S. No. 1

[Fees to the Sheriff]

	Pounds of Tobacco
For Summoning Chain Carriers on any Occasion where required each Person Summoned	22
For Swearing the same every Oath	9
For an Arrest on a Warrant...	26
For Serving Duces Tecum....	26
Return on an Attachment......	7
For laying an Attachment in any Garnishes Hands for each Garnishee	22
That for all Goods and Chattells which any Sheriff shall Attach and take into his Possession or wherewith he shall be Chargeable and which shall be Condemned the same fees Allowed as on Executions...	
Returning Fierifacias or Replevin each	7
Then the same fees Allowed as upon Attachments The same fee Allowed upon any Distress made for Rents If the Goods Destrained are Appraised and Sold...........	
Returning Writ returno habendo	75
The same fees Allowed upon this as upon Executions or Attachments	
Returning Writ of Distringas..	75
The same fees Allowed upon this as upon Execution or Attachments	
For return of an Elegil Extent or Writ of Liberate.........	75
Impannelling Jury on the same.	180
For Swearing the same each....	9
The same fees as Allowed upon Attachments	
Serving Writ of Restitution...	112
Summons in Partition every Person summoned	23
Serving Writ of Partition.....	75
Impannelling Jury thereon.....	180
Swearing the Jury each........	9
p. 489 Attendance per day............	75
Serving Attachments in Partition	37
Returning Writ enquiry of Damages	75
Impannelling Jury thereon.....	180
Swearing the same each........	9
Attendance per day............	75
Proclamation of Rebellion.....	90
Serving Copy of Account if not sent with the Declaration....	4

[Fees to the Sheriff]

	Pounds of Tobacco
Serving Withernam	75
And the same fees Allowed as upon Replevins	
Attendance per day when required on any Occasion......	75
And if any Execution be for Money then the Sheriff to have at the rate of seven Per Centum for the first five Pounds and three per Centum for the residue in the same Specie the Execution is issued for	

To the Surveyor General and his Deputies

[Fees to the Surveyor General and his Deputies]

For the Surveying of one hundred Acres of Land or under ꝑ Acre	$\frac{3}{4}$
Any Quantity above one hundred Acres and under two hundred	$\frac{3}{8}$
If between two hundred Acres and five hundred Acres then for the first two hundred as before and for all above one hundred Acres	$\frac{3}{16}$
Five Hundred Acres as before and for all above ꝑ hundred Acres	7
For every Plat Allowing three Platts for every Survey that is to say one to the Party one to the Examiner General and the other to be entered upon the Surveyors Book for the first hundred Acres or under	7
For all above the first hundred Acres ꝑ hundred............	3
For Journey fees if the same be distant from the Surveyors house twenty Miles or under.	30
If above twenty Miles and under forty	60
If above forty Miles and under Sixty and so Prorato........	90
For every Certificate of Survey be the Quantity more or Less	3
For the resurvey of one hundred and forty Acres of Land or under made with a Circumferenter Chain and other Necessary Instruments	300
For resurvey of any Quantity of Land above one hundred and forty Acres the same fees that are Allowed upon Prima-	

	Pounds of Tobacco
tive Surveys Computing the said one hundred and forty Acres as part of the Survey	

[Fees to the Judge of the Admiralty Court]

To the Judge of the Admiralty Court

	Pounds of Tobacco
For every Sentence or Condemnation fee	150
For Attesting all Depositions	22
For every Stipulation made before him	90
For every Days Attendance	187

[Fees to the Register of the Admiralty]

To the Register of the Admiralty Court

	Pounds of Tobacco
For filing and Recording every Libel Petition Answer Depositions or any other matter Computing one hundred and five Words to a side and so prorato ꝑ Side	8
For every other matter entered in the Minutes or on Record ꝑ Side	8
For every Copy Libel Petition Answer Depositions or any other matter ꝑ Side	8
For every Writ under Seal ꝑ Side	8
Filing Bill of Cost	9
For Copy Bill of Cost	9
For entring and Signing Decree or Judgment	30
For Swearing every Evidence in Court	4
p. 490 For issue and rule	24
For drawing every Deposition ꝑ Side	8
And for every other Service not herein mentioned ꝑ Side and so Prorato	8

[Fees to the Marshall of the Admiralty]

To the Marshall of the Admiralty Court

Liber H. S. No. 1 [Fees to the Marshall of the Admiralty]

	Pounds of Tobacco
For serving every Writ for seizing a Vessel	26
For serving every Writ against the Commander	26
For Subpœna every Witness	22
For every Proclamation	15
For serving every Writ of Attachment	26
For every Vessel Acquitted	60
For every Nonest Inventus on Writ or Subpœna	7
For Swearing every Evidence in Court	9
For Subpœna Appraisers	45
For any other Extraordinary Service when Obliged to Travel from Home at the rate of ꝑ Mile besides Ferriages and Necessary expenses to be Allowed by the Judge on Proof being made thereof	2

[Fees to the Examiner General]

To the Examiner General

	Pounds of Tobacco
For examining every Certificate of one hundred Acres or under	45
From one hundred Acres to two hundred Acres	52
From two hundred Acres to three hundred Acres	60
For every hundred Acres above three hundred Acres	3
In the same Manner for every Tract in a Resurvey for the Vacancy if any be Added and for the whole when reduced into one Tract	

[Fees to the Clerk of the Court of Appeals]

To the Clerk of the Court of Appeals

	Pounds of Tobacco
Recording every Writ of Error Scirefacias and return per side computing one hundred and five Words to a side the like for Recording a Transcript the like fees for recording of Errors per side	9
entring and Signing Judgment	47
Filing a Bill of Cost	7
Copy of the same	7
Filing Bill of Cost from the Provincial Chancery or any other Court	7
Writ of Dimunition	21
Writ of Possession or any other Execution	20
entring any Motion or Order filing or Recording any Bond in Court entring any Petition entring and drawing any Affidavit or Deposition taken or returned into Court Copy Errors recording Proceedings transmitted from the Chancery Court or Copy the same filing any Plea Replication or Demurer or Copy the same in Common Law Proceedings entry any Reference in Court and Copy the same or Copying any other Proceedings per side and so Prorato	9

Liber H. S. No. 1
[Fees to the Clerk of the Court of Appeals]

	Pounds of Tobacco
Issue and Rule	24
Affixing the Seal of the Court to any Copy of Proceedings or Exemplification	131
and for all other Services the same fees as taken in the Secretary's Office	

[Fees to the Clerk of every Court of Delegates]

The Clerk of every Court of Delegates

To have the same fees that are Allowed and limited by this Act to the Clerk of the Court of Appeals and no more......

[Fees to the Clerk of the Council]

To the Clerk of the Council

	Pounds of Tobacco
Every Petition in Council and Order in favour of the Party	150
Any Commission or other Instrument Prepared by the said Clerk to Pass the Broad Seal if for a Place of Profit	150
Recording the same	150
Every Sheriffs Commission	300
Every Coroners Rangers Surveyors Commission or other Commission of Profitt	150
Recording any Matter in Council Per side for any Private Person computing one hundred and five Words to a side	9
Copy of any Matter or thing from the Council Records Per Side	9
All Searches to the Clerk of the Council the same fees as are Allowed to the Secretary	15

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[Fees to the Cryer of the Provincial Court]

Cryer's fees in the Provincial Court

	Pounds of Tobacco
Swearing every Jury	108
Swearing every Witness	9
Swearing the Bailiff	9
Every Special Bail	54
Every Good Behavior	54
Clearing every Prisoner by Proclamation if Required	60
Acquittal of every Prisoner	60
Every Appeal from the County Court	37
Every Writt of Error returned from the County Court	37

[Fees to t Cryer of t Provincial Court]

[Fees to t Coroner]

Coroners Fees

	Pounds of Tobacco
Viewing the Body of any Person or Persons Murthered or slain or Otherwise Dead by Misadventure to be Paid out of the Goods and Chattels of the Party so Dead if any there be Otherwise to be levied by the Commissioners of the County where such Accident shall happen	187
Arresting or Summoning any Sheriff sued or Prosecuted in any Court for taking Security	30
Arresting Summoning or Attaching any other Person or Persons wherein the Sheriff is Plaintiff such fees as are Allowed to be taken by the Sheriff in such Case and no more	

[Fees to t Cryer of t County Court]

Cryers fees in the County Court

	Pounds of Tobacco
Swearing every Jury	36
Swearing every Bailiff	4
every Oath	3
For Special Bail	20
For good Behavior	20
Clearing every Prisoner by Proclamation or Acquittal	30

[Deputy Commissaries to pass Accounts of Estates, to the Amount of £150.]

And Whereas for want of an enlargement of the Jurisdiction of the several Deputy Commissarys within this Province and their being enabled to pass Accounts where the Amount of the Estate exceeds the sum of fifty Pounds Current Money many of the Inhabitants are put to great inconveniences and expence either by being Obliged to repair to the Commissary General for the passing of such Accounts where the Estate as aforesaid exceeds the sum of fifty Pounds Current Money or for Obtaining Special Commissions from the Commissary General directed to the several Deputy Commissarys enabling them so to do For Prevention of which evil Be it enacted that the Deputy Commissarys within this Province in their respective Counties shall be and by virtue of this Act they are

[Without any special Commission]

Liber H. S. No. 1

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[Pauper estate under £30]

[Unnecessary Motions etc not to be Charged]

hereby Authorized and impowered to pass any Accounts of the Estates of Deceased Persons without any Special Commission from the Commissary General where the Amount of the Inventory of such Deceaseds Estate does not exceed the sum of one hundred and fifty Pounds Current Money And whereas Pauper Estates by former Laws of this Province do not exceed ten Pounds Current Money Be it also enacted That during the Continuance of this Act all Estates not exceeding thirty Pounds Current Money shall be Deemed Pauper Estates and that in such Case there shall be no larger or other fees taken by any Deputy Commissary than is by a Former Act settled as to Pauper Estates not exceeding ten Pounds nor any fees at all by the Commissary General And to Prevent the Clerks and Registers of the several Courts within this Province from Multiplying fees by entring unnecessary Motions Petitions and Orders Be it Enacted that in all Cases civil and Criminal where ever any motions are made or Petitions tendered for any Order no entry shall be made of them nor any charge either for motion Petition or Order unless it shall be Particularly required by some party to the matter over and above the sum Allowed by this Act to be charged and that then and in such Case only the party at whose request such entry of Motion Petition or Order shall be made shall be charged therewith and be liable therefor in such Manner as is by this Act directed and that the adverse Party shall not be liable for the Cost of such entry of Motion Petition or Order over and above the sum Allowed by this Act to be charged

[Penalty on Officers Charging greater Fees, than allowed by this Act]

And be it further enacted That no Officer or Officers their Clerks Ministers or Servants in this Act mentioned shall charge any other or larger fees than by this Act is Limitted and Appointed under any Pretence Whatsoever nor under any other Denomination than mentioned in this Act unless the Consent and Approbation of the General Assembly of this Province be first had and Obtained And if any Officer or Officers their Servants Ministers or Clerks shall Demand and take any other or larger Fee or Fees than is herein before mentioned that then and in such Case they Forfeit and pay to the Party or Parties from whom they shall Demand and take such Extraordinary fee or fees not only the fee or fees so charged or Taken but also the sum of Five thousand Pounds of Tobacco to be recovered in any Court of Record within this Province by Action of Debt action on the Case Indictment or Information wherein no Essoin Protection or Wager of Law or more than one Imparlance shall be Allowed And in Case the Party Grieved doth not Prosecute the Officer so Offending within six Months from the Time of such Offence Comitted that then and in such Case any other Person may Prosecute for the same

[Officers to be Sworn]

And be it further enacted that all Officers mentioned in this Act who shall enjoy any the Offices aforesaid shall on or before the last

Liber H. S. No. 1

day of March Which shall be in the Year Seventeen hundred and sixty four take the following Oath before some Provincial or County Magistrate who is hereby Authorized and Required to Administer the same Viz.[t] you AB. do Swear that your will well Faithfully and Impartially to the best of your skill and Knowledge execute your Office and that you will not Willingly or Wittingly Charge ask take exact or Demand any other or Larger fees for doing your duty in your Office than is mentioned in the Act entituled an Act for Amending the Staple of Tobacco for Preventing Frauds in his Majestys Customs and for the Limitation of Officers fees now in force and as often as any Person or Persons shall be Appointed for said Office or Offices they shall take the said Oath prior to their receiving any of the Profits of any such Office or Offices

[The oath]

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[Fees to be charged at length]

And be it further enacted that Accounts of all Officers fees in this Act mentioned shall be made out and Drawn in a fair and Clear Manner and in Words at length and when ever any Person or Persons Interested in them or to whom the same shall be Charged shall desire a Copy of such Account the several Officers shall and are hereby required to give such Person so Applying therefor in as short a time as may be convenient an Act of such Charge in Words at length And that all under Clerks and deputies writing in any the Offices aforesaid or doing service in them shall by the Time afores.[d] or before they enter into any the Services afores.[d] Before some Provincial or County Magestrate who is hereby Authorized and required to Administer the same take the following Oath under the Penalty of five Thousand Pounds of Tobacco for every such refusal or neglect to be Recovered in any Court of Record within this Province by Action of Debt Bill Plaint or Information wherein no Essoin Protection or Wager of Law shall be Allowed nor more than one Imparlance the one half to the Informer or him or them that will sue for the same and the other half to the use of the County where such Neglect or refusal shall happen towards Defraying the Charge of carrying this Act into Execution Viz.[t] "You AB. do Swear that you will not for Lucre or Malice delay any Person or Persons Applying to you for any Business belonging to the Office you Officiate in and that you will not directly or Indirectly ask Demand take or receive from or charge to any such Person or Persons to your own Use (except your Salary from your Principal) any fee or Reward whatsoever for any Service you shall do as Clerk of the said Office and also that in making out the Office Fees you will not Wittingly or Willingly charge other or higher Fees than Limitted by the Act entituled an Act for Amending the Staple of Tobacco for Preventing Frauds in his Magestys Customs and for the Limitation of Officers Fees." Which said Oaths before Mentioned shall be severally returned by the Magistrate before whom the same shall be taken to the Provincial or County Offices as the Case shall require and be there entered on Record and that all and every Person or

[Under clerks to be sworn]

[Penalty for refusing to swear]

[The oath]

[Oath to be recorded]

Persons claiming Right to any Fee or Fees Allowed by this Act shall be Obliged to set up and Office in the most Publick place of his Office a Table of Fees to the intent that all Persons concerned may have Recourse to the same

Liber H. S. No. 1 [Table of Fees to be set up]

And be it further enacted that no Officer or Officers herein before mentioned under the Penalty aforesaid to be removed as aforesaid shall make or send out their Fees on Execution but once in every Year And that between the first day of December and the Tenth day of January Yearly during the Continuance of this Act And that the Party or Parties Charged their Persons Goods or Chattells shall not be executed for any of the aforesaid Fees unless their Accounts be delivered them at or before the last day of February in any Year they shall be Demanded

[Time of sending out Fees on Execution]

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[Accounts to be delivered before the last of February]

And be it further enacted that wherever any Deputy Surveyor returns a Certificate or Certificates for the Examination of the Examiner General and that the same shall be found erronious that in such Case the Party for whose use such Survey is made shall not be Burthened with Double fees either by the Examiner General or deputy Surveyor but that the several Deputy Surveyors shall pay the Examiner General for any Extraordinary Trouble they give him in re Examining such Fees as by this Act is Allowed to the Examiner General

[Erroneous returns made by Surveyors, the extra fees how paid]

And be it further enacted That the several Inspectors shall be and are hereby Obliged whenever they shall have inspected a Hogshead or Hogsheads of Tobacco to case and Nail up the same in Good Order and According to the true intent and Meaning of this Act immediately after inspecting the same

[Tobacco to be cased and nailed, as soon as inspected]

And be it further enacted that it shall and may be Lawfull of any for the Sheriffs within this Province and they are hereby directed and required at any Time between the last day of February and the Tenth day of June next following on notice being to them respectively given that any or either of the Inhabitants of the Respective Counties who is Indebted to them respectively as aforesaid (for which no Account hath been before the said last day of February delivered to or left at the Dwelling House of the said Party) that the said Party is about to withdraw him or herself or his or her Effects from the Place of his or her Residence whereby the said Sheriff may be hindred from executing the same According to Law that then and in such Case it shall and may be Lawfull for the said Sheriff to Apply himself to any Magistrate of the County and on such Sheriffs Application to and on Oath made by the said Sheriff or some other credible Person before the said Magistrate that the Sheriff or such Person is informed and verily believes that such Debtor is about to with Draw or hath Withdrawn him or herself or his or her Effects out of the said County and thereby Prevent the said Sheriff from Executing such Debtor or his or her Effects

[Persons suspected of withdrawing themselves, or effects, may be executed, in case &c]

Liber H. S. No. 1

for the Tobacco or Money so as aforesaid due to him which Oath shall be made in Writing and left with the said Magistrate and by him returned to the next County Court and the said Magistrate shall then give to the said Sheriff a Warrant from under his hand and Seal and thereby direct and impower the said Sheriff to levy the Tobacco or Money so as aforesaid due to him in the same manner as he might do by this Act after the tenth day of June all which the said Sheriff shall do by Virtue of his Office without any Execution fee, Provided Nevertheless and it is the true intent and Meaning of this Act that if any Debtor as af.[d] Absconding or about to Abscond will give such Sheriff good and sufficient Security for the Payment of all such Public or County levies Parochial Charges Officers or Lawyers ffees at any time before such Distress & Sale made that then and in such Case the Sheriff shall as is hereby Obliged to take the same

[But not to be executed if they give good securitys]

[Inspectors not to pass any Tobacco, between the last of July, and 1st of November, unless &c] p. 495

And be it further enacted that it shall not be Lawfull for any the said Inspector or Inspectors to Inspect or pass any Hogshead or Parcel of Tobacco at any time between the last day of July and the first day of November Yearly unless such Hogshead or Parcel of Tobacco be brought to and left at the said Inspection House on or before the said last day July Yearly and that if any Inspector or Inspectors shall Presume to Inspect or pass any Hogshead or Parcell of Tobacco between the said last day of July and the first day of November Yearly He or they so Offending shall forfeit and pay one hundred and Sixty Pounds of Tobacco for every hundred Pounds of Tobacco so by him or them Inspected to be recovered if the same does not exceed the sum of Sixteen hundred Pounds of Tobacco before any Magistrate in the County where the offence shall be committed as in Case of small Debts & if the Penalty exceeds the said sum of sixteen hundred Pounds of Tobacco then to be recovered in the Court of the said County by Action of Debt Bill Plaint or Information wherein no Essoin Protection or Wager of law shall be Allowed the one half of all which Penalties shall be Applied to the use of the informer or such Person who shall sue for the same and the other half thereof to the several and Respective Countes to defray the expence that may Accrue in the due Execution of this Act

[Penalty and how recovered]

[Costs when paid in Gold or Silver]

And be it further enacted that whose Plaintiff or Defendant in any Suit now commenced or that shall hereafter be commenced in any Court within this Province in whose favour any Judgment shall be given so as to entitle such Plaintiff or Defendant to his or her cost and who shall pay the said Cost in Gold or Silver as regulated by this Act in all such Cases it shall and may be Lawfull for the Party against whom such Judgment shall be rendered and he or she is hereby enabled to discharge all or so much of the said Cost in Gold or Silver as aforesaid as shall be really and bonafide Paid

Liber H. S. No. 1

by the Party in whose Favour such Judgment for Cost shall be given any Law to the Contrary in anywise Notwithstanding

[Allowance to the Printer for Books and Notes, 320℔ for each Inspection]

And be it further enacted that from and after the eleventh day of December next Jonas Green of the City of Annapolis Printer shall be Allowed by the Several and respective County Courts at the laying of their County levy the sum of three hundred and Twenty Pounds of Tobacco ꝑ.^{r} Annum for each Inspection respectively for Printing and delivering a Sufficient Number of Books Notes Manfests for the Inspectors of each Inspection within their Counties respectively

[Tobacco inspected by former laws]

And Whereas there is not any Provision yet made for the delivering out of the Tobacco already Inspected or which may hereafter be inspected in Virtue of the Laws now in being for the Inspecting of Tobacco and which shall remain in the Warehouses after the expiration of the said Laws Be it therefore enacted that the Inspectors of the several Warehouses so Established wherein any Tobacco shall remain after the expiration of the said Laws (Whether the same Houses be continued by this Act or not) or one of them respectively shall and may deliver out such Tobacco for exportation after the expiration of the said Laws and that such Inspector and Inspectors and all any every Master and Skipper of any Vessel and other Person or Persons who shall be imployed in the Transportation of such Tobacco from the Warehouses on Board of any ship or other Vessel for exportation shall be under the same Regulations Restrictions and Penalties with respects to such Tobacco as if the same Tobacco had been inspected in Virtue of this Act the Expiration of the said Laws Notwithstanding

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[Money payments may be made in gold or silver]

And be it further enacted that in all Tobacco Payments which shall or may be made under or by Direction of this Act where a Liberty is Given to pay in Gold or Silver in lieu of Tobacco and also in Payment of all Charges Attending the Inspection in this Act the following Species of Gold and Silver Coin if offered or tendered shall be accepted and Received at the Following rates Regulations and Values Viz.^{t}

[The rate at which they are to pass]

	lbs Tob.^{o}
Joannes's at	920
half Joannes's	460
Moidore	348
Elglish Guineas	272
French Guineas	268
Spanish Pistoles not lighter than $4{:}^{\text{cwt lb}}\ 6^{\text{grs}}$	216
French Milled Pistoles	212
Arabian Chequins at	108
Other Gold Coin German excepted by the Penny Weight	50
French Silver Crowns	60
Spanish Milled Pieces of eight	60
Other Good Coined Spanish Silver ꝑ Ounce	60

Liber H. S. No. 1

[Actions for the breach of former laws]

And be it further enacted That all and every Person and Persons who now are or hereafter shall be intituled to any Action or Actions or who have any Action or Actions now Depending for the Breach of any of the Laws now in being for amending the Staple of Tobacco shall have and be entituled to the full benefit of such Action or Actions and be at liberty to Prosecute the same hereafter in the same Manner and as fully and effectually to all intents and Purposes as if the said Acts were to be continued in full Force the expiration of the said Law Notwithstanding Provided That such Action or Actions be commenced within the Fines limitted by the said Laws

[Prosecutions depending at the passing of this Act]

And be it further enacted that all Prosecutions now Depending in any of the Courts of this Province for the Breach of any of the Laws aforesaid shall be continued and carried on and that any Person or Persons who have been or shall hereafter be guilty of a Breach of any of the said Laws and who have not yet been Prosecuted for the same shall and may be Prosecuted for all and every such Breach and Breaches in the same Manner and as fully and effectually to all intents and Purposes as if the said Acts were to be continued in full Force the expiration of the said Laws Notwithstanding Provided that such Prosecution be commenced within the Time limitted by the said Laws

[St. James's Parish to choose Inspectors for one House in All Hallow's Parish]

And Whereas the Warehouse Appointed by this Act to be at the Head of a Creek commonly called Wathins's Creek issuing out of West River on the Land of Thomas Sprigg in Ann Arundel County happens to be so scituated as that it Stands on the Outermost Bounds of all Hallows Parish next Adjoining to S.^t James's Parish wherein Pigg Point Warehouse stands and as those two Warehouses are by this Act to be under one and the same Inspection and that there are two other Warehouses already fixed in the said All Hallows Parish it is thought reasonable by this General Assembly that the Vestrymen and Church Wardens of only one of the said Parishes should nominate and recommend as by this Act is before directed the two Inspectors to be Appointed to Attend the said p. 497 Warehouses on Spriggs Land and Pigg Point aforesaid Be it therefore enacted that the Vestrymen and Churchwardens of S.^t James's Parish for the Time being shall be and they are hereby impowered to nominate and Recommend four able and sufficient Planters well skilled in Tobacco for the Execution of the Office of Inspectors two of which Persons so nominated and Recommended shall be Appointed Inspectors for the Warehouses last mentioned any thing in this Act to the Contrary Notwithstanding

[Rent for two Houses in Talbot how paid]

And Whereas two Warehouses are by the Act Established at King's Town in Talbot County one on the Lot of William Gale the other on the Lott of William Willson and for as much as it is the Intention of this Act that the said House on Willsons Lott should be used for Storing Tobacco only and the owner thereof not Burthened with the expence of keeping Prizes for his said House or a Wharf and Crane at his Landing Be it therefore enacted and Declared that one third part only of the six Pounds of Tobacco per Hogshead due for rent on all Tobacco delivered out of the said two Warehouses shall be Paid to the Owner of the House on William Willsons Lott and the remaining two thirds to the Owner of the House on William Gale's Lott

Liber H. S. No. 1

And be it further enacted That no Deputy Commissary within this Province shall exact extort Demand take accept or receive from any Person Whatsoever any fee or Fees Gratuity Gift or Reward for giving his Advice in any matter or thing relative to his Office or for Procuring a Commission from the Commissary General to pass any Account before him

[Deputy Commissary not to charge any Fee for advice &c]

And be it further enacted that no deputy Commissary shall exact Demand take or receive any other Fee or reward for drawing and Slating all Accounts than the sum of one Pound and a half of Tobacco for each Voucher Produced and Allowed in such Accounts and no more

[Their fees for stating accounts]

And be it also further enacted That no Deputy Commissary shall Charge more than the sum of fifty Pounds of Tobacco for passing the first Account of every Pauper Estate or Demand exact or receive any fee or Reward for Passing any Additional Account thereof

[In Pauper Estates]

And be it further enacted that in Case any Security hath been or shall be taken for the Payment of any Tobacco Debt contracted or that became due before the fifteenth day of May one Thousand seven hundred and Forty seven to be Paid in Inspected Tobacco such Tobacco so secured to be Paid as aforesaid shall be liable and Subject to an Abatement or Deduction of one Fourth Part And if any Person or Persons shall be sued on any such Security the Plaintiff shall or may be examined and Interrogated by the Court wherein the action shall be commenced in the same manner as is above in this Act Provided in such Cases wherein any Security hath been or shall be taken for the Payment of Money instead of Tobacco.

[Deduction in debts due before May 1747]

And be it further enacted That the Inspector at Plymouth Warehouse in Dorchester County shall not be Obliged to Attend at the said Warehouse more than three Days in a Week between the first day of April and the last day of July Yearly and the Inspector at the Warehouse at John Hollands on Bohemia more than three days in each Week at the said Warehouse from the first day of April till the last day of July Yearly and the Inspector at Annapolis Warehouse shall not be Obliged to Attend more than three days in each Week at the said Warehouse between the first day of April and the last day of July Yearly and at the Warehouse on Hopewells Land in St Marys County more than four days in each Week at

[Time of Inspectors attendance at some warehouses]

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said Warehouse between the first day of April and the last day of July Yearly And the Inspectors at Chester Town in Kent County more than four days in each Week The Inspectors at Worton no more than one day in each Week The Inspectors at Langsford's Bay more than two days in each Week The Inspectors at Toveys Warehouse more than two days in each Week The Inspectors at the North West Fork Warehouse at the Bridge in Dorchester County more than three days in a Week The Inspector at Broad Creek more than two days in a Week The Inspectors at Snow Hill Warehouse and New Port Warehouse in Worcester County more than four days in a Week The Inspectors at Wells's Warehouse Charles Browns Warehouse and Bridge Town Warehouse in Queen Ann's County shall not be Obliged to Attend more than Four Days Viz^t on Monday Tuesday Wednesday and Thursday in every Week and the Inspectors of George Town and Frederick Town Warehouses shall be Obliged to Attend on Mondays Tuesdays and Wednesdays at George Town and on Thursdays Fridays and Saturdays at Frederick Town in every Week between the first day of April and the last day of July Yearly

[Inspectors to take care of Weights, Ropes, Scales &c.]

And be it further enacted That every Inspector and Inspectors in any Inspection House within this Province shall and they are hereby Obliged and Directed immediately after the Conclusion of the respective Inspections and Prizing Yearly carefully to take down the Scales Ropes and Blocks belonging to the several and respective Houses and lay up the same with the Weights Carefully in some part of the Respective Houses and Preserve the same from Damage and if any Inspector or Inspectors shall Neglect to take Down and lay up the Blocks Ropes Scales and Weights as aforesaid immediately after they have finished Prizing shall forfeit and Pay to the Right Honourable the Lord Proprietary to the uses in this Act before directed the sum of eight hundred Pounds of Tobacco to be recovered before one Magistrate of the County where such Offence shall be committed one half to the Informer and the other half to the use of the County aforesaid to be Applied to defray the charge of such County Accruing on the carrying this Act into Execution,

[Penalty for neglect]

[Penalty on either buying or selling trashy tobacco]

And to Prevent any Person or Persons Whatsoever from making Sale of Trashy and Unmerchantable Tobacco Be it further enacted that from and after the first day of December next ensuing it shall not be Lawfull for any Person or Persons on any Pretence Whatsoever to Buy Barter for Purchase or take into his her or their Possession or to Sell or even Offer to Sale either Directly or Indirectly any Trashy or Unmerchantable Tobacco either Loose or in Bundel Bulk Parcel Case Hogshead or other Package whatsoever except such Tobacco as hath been heretofore lodged in any Inspecting House (or House or Houses used by Inspectors) in Pursuance of any Former Law under the Penalty of four Pounds of Tobacco for every Pound of Tobacco so bought bartered for Purchased taken into his her or their Possession Sold or Offered to Sale as aforesaid to be recovered where the Penalty shall not exceed Six hundred Pounds of Tobacco before a Single Magistrate as in Case of Small Debt and where such Penalty shall exceed the said sum then and in such Case to be recovered in the County Court where such Offence shall happen or the Party resides by Action of Debt Bill Plaint or Information wherein no Essoyn Protection Wager of Law or more than one Imparlance shall be Allowed one Moiety of such Penalty to the Informer or him her or them that shall sue for the same together with his her or their legal Allowance for Attendance as an Evidence and the other Moiety to and for the use of the County where such Offence shall be committed towards defraying the charge of such County in the Execution of this Act and where such Penalty shall arise by Prosecution upon Indictment if the Informer shall not upon Conviction make his claim (and which claim when made shall be entered upon the Clerks Docket) to the Moiety in open Court then and in such Case the whole of such Penalty shall be to and for the use of the County where such Offence shall be committed to be Applied towards defraying the charge of Inspection as aforesaid

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[Buyer or seller, informing against the other, to be indemnified &c]

And for the further Discovering and Punishing so Pernicious a Practice Be it Likewise enacted That if either Parties Offenders as aforesaid shall make such information against the Other Party or Parties so as aforesaid Offending and shall Prosecute such other Party or Parties so that he She or they be of the Offences aforesaid or either of them lawfully Convict to which Purpose any or either of the Parties aforesaid are hereby enacted and declared to be Good and Sufficient Evidence such Person so as aforesaid Informing and Prosecuting shall not only be indemnified and saved Harmless from any Prosecution for the said Offence but shall also be intituled to have and receive the same Rewards Allowed as aforesaid and shall have and receive as a further encouragement the further sum of two Pounds of Tobacco for every Pound of such Tobacco to his Sole and Seperate Use to be recovered where the Penalty shall not exceed six hundred Pounds of Tobacco before a single Magistrate as in Case of small Debts to be made a part of the Judgment of such Magistrate and where such Penalty shall exceed the said sum then and in such Case to be recovered in the County Court where such Offence shall so happen or the party resides by Action of Debt Bill Plaint Information or Indictment to his Sole and seperate use as aforesaid to be made a Part of the Judgment of the Court upon such Conviction against such Offender

[Magistrates having information of trashy tobacco, to make search]

And be it further enacted That as often as any Magistrate shall be informed by any credible Person on Oath or Affirmation if a

Liber H. S. No. 1 Quaker that he suspects and verily believes some Trashy or Unmerchantable Tobacco is or shall be in any Patricular Tobacco House Store House Warehouse Barn or other out House Ship or other Vessel Inclosure or other Place whatsoever it shall and may be Lawfull to and for such Magistrate and he is hereby Authorized and required immediately upon such Information as aforesaid either to raise and Compell Assistance and to Proceed himself or by p. 500 Warrant under his Hand and Seal directed to such Informer Singly or with others Jointly and Severally or to any other Person or Persons Jointly and Severally thereby Authorizing and Directing him or them to Compell Assistance and to Proceed forthwith to such or any other such Suspected Place aforesaid and there quietly enter [in places suspected] it) except such House of Place be on the Plantation where such Trashy or Unmerchantable Tobacco shall Appear by the Oath or Affirmation if a Quaker of the owner or of any other Credible Person to have been made or on some other Plantation belonging to such Person who made such Tobacco and also except Inspecting Houses and other Houses Used by Inspectors for the convenient Carrying on an Execution of this Act if the Person having the Care of such Place be Present and will immediately Permit such entry or if the Party having the care of such Place be not then [and may, in case &c forcibly enter,] Present or being Present will not Permit such entry then to enter Forcibly into such or any other such suspected Place and there to Search for any such Tobacco as aforesaid and the same being Found to take remove and carry away not only such Tobacco as the said Search is or shall be Particularly made for but also all such Trashy or unmerchantable Tobacco as shall be then there found to the next Inspecting House by such Officer or Officers aforesaid and in Case neither of the Inspectors Attending that House shall happen to be Present then the said Magistrate or Warrant Officer or Officers or one of them shall be and he or they are hereby Authorized and [The tobacco found, to be carried to a Warehouse] required to Summons one or both of the said Inspetcors immediately to Attend at such Warehouse and it is hereby declared to be the duty of such Inspectors or Inspector immediately to Attend upon such Summons Accordingly and such Inspectors or Inspector so Attending shall Search view and Examine such Tobacco and if upon such View Search and Examination the said Tobacco or any Considerable Proportion thereof shall Appear to him or them to be such as he or they are by this Act required and [and be examined] Obliged as Inspectors to pass that then the same or such Part thereof shall be by him or them in all Respects Treated dealt with and managed as other Tobacco by them Passed is by this Act directed the party owning or Claiming such Tobacco paying or Allowing to the Warrant Officer or Officers after the rate of eight Pounds of Tobacco for every hundred Pounds of such Tobacco as shall as aforesaid pass Inspection for carrying the same to such Inspecting

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House which rate or Proportion the Inspectors are hereby Authorized and required to Demand and receive of the Person who Claims such Tobacco before they Permit the same to be taken out of the Inspecting House and which rate or Proportion after the receipt thereof as aforesaid shall be by the said Inspectors paid to such Warrant Officer or Officers or his or their order upon Demand and in Case such Tobacco or any part thereof as aforesaid upon such view and Examination as aforesaid shall not by such Inspectors or Inspector be Passed then such Tobacco or such part thereof as shall not pass Inspection as aforesaid shall by such Inspectors or Inspector after being by him or them weighed be immediately burnt and the said Warrant Officer or Officers shall have and receive as a Reward for his or their Deligence in the Execution of this Clause of this Present Act after the rate of eight Pounds of Tobacco for every hundred Pounds of Tobacco which shall be so taken and burnt as aforesaid to be recovered either against the Person Owner of the said House Vessel or other Place knowing the said Tobacco to have been there or against the Person owning such Tobacco at the Time of such Seizure by Warrant before a Single Magistrate out of Court with full Costs and to be levied by way of Execution against the Person Goods or Chattells of the Party so Offending by the like Authority

[and passed or burnt.] p. 501

[Trashy tobacco under carriage to be seized and carried to an inspecting house]

And be it likewise enacted That where any Person or Persons whatsoever shall discover under Carriage any Trashy or unmerchantable Tobacco he or they so discovering shall be and they are hereby Authorized and required to Stop and Seize such Trashy or unmerchantable Tobacco then and there Found and the same shall Convey or shall direct and require the Party or Parties so carrying the same as aforesaid to carry such Tobacco to the next or any other Convenient Inspection House and that such Party or Parties refusing to carry the same shall forfeit and pay after the rate of five hundred Pounds of Tobacco for every hundred Weight of such Tobacco upon every such refusal to be recovered as the Case as aforesaid may require before a Single Magistrate or in the County Court by Action of Debt Presentment or Information the one half thereof to him or them that shall sue or inform Concerning the same and the other half to the use of the County where such Offence shall be Committed to be Applied Towards defraying the Charge of Inspection as aforesaid and in Case neither of the Inspectors Attending that House shall happen to be Present then the said Person Stopping and seizing the said Tobacco is hereby directed to Summons one or both the Inspectors immediately to attend at such Warehouse to receive and secure the same and the Inspector or Inspectors so Attending shall search view and examine the same and Proceed in such Case in like manner as he or they are directed with regard to Trashy or unmerchantable Tobacco which shall be

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found in any Tobacco House Store House Warehouse Barn or other out House Ship or other Vessel Inclosure or other Place whatsoever not burthening the Party who carries the same or the owner thereof with any charge for Carriage and then after such Inspection made as aforesaid the Person or Persons so Stopping and Seizing such Tobacco shall immediately repair to some Magistrate and inform him that he hath Seized and secured such Tobacco in Manner aforesaid and the Magistrate shall and he is hereby Authorized and required to Proceed therein with respect to the fining or binding Over (as the Case shall require) such Offender or Offenders and he She or they so Offending shall be liable to the same Penalties and be under the same mode of Prosecution for the Recovery thereof as is before directed by this Act Provided always that in all Cases where any such Tobacco under Carriage shall be seized and Carried to any Inspection House as aforesaid if the Person or Persons Carrying or Claiming the same shall Prove by his her or their own Oath or Affirmation if a Quaker or the Oath or Oaths or Affirmation if a Quaker of any other Credible Person which Oath or Affirmation any Magestrate is hereby Authorized and required to Administer that such Tobacco so taken under Carriage was at such time carrying to be Inspected at some Inspecting House Agreeable to the directions of this Act such Proof shall exempt the Person so carrying or Owner or Claimer of such Tobacco from the Penalties other than the Loss and burning of such Trashy Tobacco And be it further enacted that if any Person or Persons shall remove any Tobacco which shall be Stopped or seized as aforesaid other than such Person or Persons who shall so seize the same or some other by his or their Order or who shall rescue or Attempt to rescue any Tobacco which shall be so Stopped and seized as aforesaid such Person or Persons so Offending shall forfeit and pay two Thousand four hundred Pounds of Tobacco for every Hogshead or Parcel of Tobacco so removed rescued or Attempted to be rescued as aforesaid to be recovered in the Court of the County where such Offence shall be Committed or the Party or Parties reside by Action of Debt Bill Plaint or Information wherein no Essoin Protection or Wager of Law or more than one Imparlance shall be Allowed for the use of the Person or Persons making such Seizures as aforesaid

[Proviso, as to Tobacco under carriage going to an inspecting house] p. 502

[Tobacco not to be removed after Seizure, except, &c]

[Persons sued for any thing done by virtue of this act]

And be it further enacted that if any Person or Persons shall be sued Prosecuted or impleaded for any matter or thing by him her or them done Pursuant to and in Execution of this Act such Person or Persons so sued Prosecuted or Impleaded shall be at Liberty to plead the General Issue and give this Act and the Special matter in Evidence and if the Plaintiff or Informer shall be Nonsuit discontinue his Suit or a Verdict be had against him then and in either of these Cases the Defendant or Defendants shall not only be acquit thereof but shall by Judgment recover against such Plaintiff or Informer Treble Costs

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Provided always and it is hereby enacted and Declared that every Information to be made in Pursuance of this Act shall be made within three Months next after the Offence Committed and not after

[Informations to be made in 3 months]

And be it further enacted that no Master or Commander of any Ship or other Vessel taking Tobacco on freight shall remove or Transport any Freight Tobacco from any Warehouse in order to be Put on Board his Ship or Vessel in any Open Boat or undecked Vessell without such Good and Sufficient Covering as will Secure such Tobacco against Rain under Penalty of Sixteen hundred Pounds of Tobacco for every Offence to be recovered in any Court of Record in this Province by Action of Debt Bill of Indictment or Information one half thereof to the Informer the other half to the Defraying the Charges of putting this law in Execution

[Freight-tobacco not to be carried in open boats]

And Whereas the Inhabitants of Frederick County above Connogochegue Creek are Farmers and are so far distant from any Justice of the Peace that the Trouble and Charge Attending the making Oath or Affirmation as to their not being Tobacco Makers as herein before directed lays them under unreasonable Hardships in Obtaining the benefit intended them by this Act in Paying Money in lieu of Tobacco Be it therefore enacted that the said Inhabitants in Frederick County above Connogocheague Creek shall and may make the Oath or Affirmation aforesaid either before a Justice of the Peace of the said County or the Sheriff or any of his Deputies a Certificate of the making which Oath or Affirmation Signed both by the Person taking and the Person making the same being delivered to the Sheriff or his Deputy such Sheriff or Deputy shall give a Receipt for the same to the Person making such Oath or Affirmation

[Farmers in Frederick County]

p. 503

And Whereas in many Places Warehouse Room is much Wanted and Wharfs Cranes and other Conveniences required by Law to be Provided are either not built erected and Found or are much out of Repair Be it therefore enacted that the Justices and Inspectors of each Respective County shall meet at the Court House of such County on the second Tueseday of December Yearly if Fair Weather (if not on the next fair day) under the Penalty of eight hundred Pounds of Tobacco each at which said meeting it shall be determined by a Majority of the Justices then Present upon the best Information they can get from the said Inspectors and Otherwise what Buildings Additions or Repairs Wharfs Cranes or other Conveniencies Required by this Act are wanting at each Respective Warehouse and the said Justices shall Appoint two Justices most Convenient to each Warehouse not being Proprietor or Proprietors of such Warehouse to Agree and Contract for such buildings Additions repairs Wharfs Cranes and other Conveniencies as shall be Determined

[Justices and inspectors to meet yearly, on the 2d Tuesday of December, to enquire about and provide for necessaries at the several inspection houses]

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to be wanting as aforesaid and the said two Justices shall within five days after such Appointment give Notice to the Proprietor or Proprietors of each Warehouse concerning which they are Appointed to Contract or his or their Agent to meet them at some Convenient Place by them in such notice to be Appointed at a Time not exceeding ten days from the Date of such notice at which meeting the said two Justices shall inform the said Proprietor or Proprietors or his or their Agent what is required of him or them According to the Determination of the Justices aforesaid and if the said Proprietor or Proprietors will not immediately enter into Bond to the Lord Proprietary in such Penalty as the said Justices shall think Proper and exceeding thirty two thousand Pounds of Tobacco to do what is required as aforesaid by the last of April next ensuing the date of such Bond at farthest or if after such Bond given such Proprietor or Proprietors shall not Compleat every thing therein Specified According to the Tenor thereof in either Case the said Justices shall forthwith Agree in the best manner they can with some other Person or Persons for the doing what is Determined as aforesaid to be Necessary or may be unfinished as aforesaid and shall take a Bond for Performance of such their Agreement And in Case one of the two Justices aforesaid should die or be removed the other shall have as full Power to Act as if such Death or removal had not happened

[Bonds for Performance of Contracts to be taken by the Justices]

[To be lodged with the clerk in 20 days]

And be it enacted that all Bonds taken by the Justices in Pursuance of this Act shall by them be lodged with the Clerk of the respective County (to be by him Safely kept) within twenty Days after the taking thereof.

p. 504

[Penalty on Justices for neglect of duty,]

And be it enacted that if any Justice of the Peace shall omit or Neglect the duty enjoyned and required of him as to the making the Contracts or taking or lodging the Bonds aforesaid he shall forfeit and pay the sum of eight hundred Pounds of Tobacco to be recovered and Applied as aforesaid

[money assessed to be repaid by Rent]

And be it enacted that Whatsoever sum or sums the Justices aforesaid may Contract for as aforesaid shall be Assessed and Allowed in the next County Levy after the Performance of such Contract and shall be Deducted out of the Tobacco and Money arising due for the rent of the House for which such sum or sums were Payed untill the County shall be reimbursed

[Justices to have power any time of the year to regulate about repairs,&c]

And be it further enacted that the Justices of each respective County shall and are hereby directed to have a full Subsisting and Continuing Power at all other Times of the Year to put in Execution so much of this Act as relates to the Building enlarging and repairing Publick Warehouses and to Regulate all Matters Concerning the same and to direct the Building enlarging and Repairing any Warehouses Wharfs Prizes Cranes and other Conveniencies from time to time as to them shall seem Necessary and expedient And in Case where

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the Proprietor Guardian Husband or Attorney of or any other Person concerned in any Warehouse shall refuse or Neglect to make such Buildings Additions repairs or Other Necessary Conveniencies as shall or may be Wanting at any other times of the Year and such as the said Justices shall direct it shall and may be lawfull for the said Justices and they are hereby Required to have the same Done at the expence of the County and the Justices of such County shall receive so much of the rent of the said Warehouse of the Inspectors as will reimburse the County the Charges of such Buildings Additions and Repairs And if upon Application of the Inspectors to the Justices aforesaid for Building enlarging or Repairing any Warehouses Wharfs Prizes Cranes and other Conveniencies such Justices shall refuse or delay to do their duty therein every Justice so Neglecting or refusing shall forfeit eight hundred Pounds of Tobacco to be recovered in the County Court with Costs by Action of Debt or Information in the name of the respective Inspector or Inspectors and to be Applied to the use of such Warehouse or Warehouses

[Where new inspectors are chosen, lists of tobacco to be delivered by the old ones,]

And be it further enacted that when and as often as a new Inspector or Inspectors shall be elected and Chosen in the room and Stead of the Inspector or Inspectors who served at the same Warehouse the Preceeding Year That the said new Inspector or Inspectors shall within ten days after he or they shall be Qualified to serve as an Inspector or Inspectors According to the Directions in this Act make out two Lists of all Hogsheads of Tobacco then in the same Warehouse being (which Tobacco the old Inspector or Inspectors are hereby Obliged and directed to deliver well Nailed lined and fit for Shipping to the new Inspector or Inspectors) describing the Marks Numbers Gross Tare and Nett Weight Stamped and marked thereon and sign a receipt at the foot of each List of such Hogshead received from the Old Inspector or Inspectors which Lists so as aforesaid given with the receipts thereto Signed shall be delivered to the Old Inspector or Inspectors the one of which Lists shall be by him or them lodged with the Clerk of the County to be by him kept in his Office under the Penalty of eight Thousand Pounds of Tobacco to each Inspector Neglecting to make such Lists and the same Penalty on the Old Inspector or Inspectors who shall Neglect to lodge the same with the County Clerk to be recovered and Applied as herein before directed and the new Inspector or Inspectors is and are hereby Declared to be Answerable to the Owner of any Notes mentioned and Described in such Lists so far as to Produce the same Hogshead or Hogsheads of Tobacco belonging to any Owner and likewise that the said New Inspector or Inspectors shall be liable for and Answerable to the Old Inspector or Inspectors for all Damage that shall happen to such Tobacco mentioned in the Lists aforesaid through his or their Negligence during the Time of his or their Serving as Inspector or Inspectors

[for which they are to give a receipt to be lodged with the county clerk.]

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[Penalty on old inspectors for neglect of their duty]

[New inspectors to be liable for damage]

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[Inspectors to be liable for damage, by fire, occasioned by their neglect]

And to the End that Inspectors may be more Careful of the Fire they may have Occasion for at the Warehouses to Brand Tobacco Be it enacted that if any Warehouse in this Province shall be hereafter burnt and it can be made Appear to have happened by the Negligence of the Inspector or Inspectors belonging to such Warehouse such Inspector or Inspectors shall forfeit and pay Sixteen Thousand Pounds of Tobacco each to be recovered and Applied as aforesaid

[Regulations as to the late Emerson's warehouse in Talbot county]

And Whereas no Land has ever been yet Surveyed or layed out at the late Emersons now Maxwells Warehouse in Talbot County for the use of the Publick Be it therefore enacted that the same Justices who shall be Appointed as herein before directed to Contract for Reparing said Warehouse shall within one Month after such Appointment give notice to the Surveyor of the County or some other Surveyor Sufficiently Qualified to meet them at the said Warehouse at a Time not Less than five nor more than ten days after such notice Given and the said Surveyor shall then Survey and lay out one Acre of Land and for the use of the Publick Adjoining to the said Warehouse in such Manner as the said Justices shall Direct not including the Storehouse or Salt House near the same or going nearer to them than the Publick Utility may require bounding the same at each Corner by a Good Locust Post well fixed in the Ground and shall within a Month after making the said Survey return one fair Plot and Certificate thereof to the Clerk of the County to be by him Carefully kept and Another to the Proprietor of the Land or his Agent for all which Services the said Surveyor shall be Allowed at the next laying of the levy for the said County the sum of one hundred Pounds of Tobacco and no more and each Justice the sum of Sixty four Pounds of Tobacco and no more And if either of the said Justices or the Surveyor shall Neglect his duty therein he shall forfeit and Pay the sum of eight hundred Pounds of Tobacco to be recovered and Applied as aforesaid

[Allowance to justices and inspectors]

p. 506

And be it enacted that every Justice who shall meet at their Respective Court House and every Justice who shall be Appointed and Attend in Order to Agree as aforesaid or Try and Adjust the Weights as aforesaid shall be Allowed the sum of Sixty four Pounds of Tobacco for every day he shall Necessarily Attend in Consequence of such Appointments in the next County Levy and every Inspector who shall meet and Attend the Justices aforesaid at the Court House shall be Allowed thirty two Pounds of Tobacco Per day in the next County Levy for his Attendance

[What is to be done with old inspected tobacco]

And Whereas it is represented to this General Assembly that there are in divers Warehouses in this Province several Hogsheads of Old Tobacco remaining in the way of the Inspectors and have been lying there for many Years Past and no owners Appear to Claim the same To remedy which Inconvenience for the future Be it enacted

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that the Inspector or Inspectors of the several Warehouses shall and are hereby Obliged and required on the first day of every August Court during the Continuance of the Act to return to the said Court a distinct and fair List of the Marks Numbers Tare and Nett Branded Weights of every Hogshead of Tobacco then in their Several Warehouses respectively that have been inspected above three Years to be lodged with the Clerk of the County and the Justices are hereby required to cause a Copy of the said List to be immediately set up at the Court House Door Advertising the Tobacco therein mentioned to be sold on the third day of the said Court if fair Weather and if not the next fair day and shall cause the same to be Sold at the time aforesaid At Publick Vendue in Single Hogsheads and the Produce thereof shall be Applied to the defraying the County Charge And Whenever thereafter the Owner or Owners of such Tobacco shall Claim the same or any part thereof and make his her or their Property Appear to the Satisfaction of the said Justices then the said Justices shall Assess in the next County Levy such sum as such Tobacco Sold for, for the use of the said Owner or Owners

[Proviso, as to owners of old Tobacco claiming, &c]

Provided always that if any Owner or Owners of any Hogshead or Hogsheads of Tobacco which shall be returned in such List shall within two Months next before the said Court of Sale give notice in Writing to the Inspector or Inspectors of the Warehouse in which such Tobacco lies of their being Owner or Owners thereof Describing in the said notice the Mark Numbers and Nett Weight of such Tobacco and that they are unwilling the same should be Sold such notice or Notices shall be by the said Inspector or Inspectors returned and lodged with the said List and such Tobacco shall be Marked not to be Sold in the Copy before directed to be set up nor shall the same be Sold any thing herein before contained to the Contrary Notwithstanding

[Old Tobacco listed not a good tender]

And Provided also that no old Tobacco listed as aforesaid shall after it is so listed be Deemed taken or Allowed to be a legal Tender in any Tobacco Payment what any thing herein Contained to the Contrary Notwithstanding

[duration]

This Act to Continue until the first day of December which shall be in the Year of our Lord One thousand seven hundred and Sixty six and no longer

17.th Novem.^{r} 1763
Read and Assented to by the Lower House of Assembly
Signed ꝑ Order
MMacnemara Clk lo Ho

On behalf of the Right Honourable the Lord Proprietary of this Province I will this be a Law
Hor.^{o} Sharpe

The Great Seal in Wax appendant

19.th Novem.^{r} 1763
Read and Assented to by the Upper House of Assembly
Signed ꝑ Order
JRoss Clk Up Ho

No. 18 An Act for the Adjournment of Prince Georges County Court

[*No. XIX*] Liber H. S. No. 1 p. 507 [Passed 21st of November] Whereas some of the Justices of the said Court and the Attorneys Practicing the Law therein are Members of the Assembly and Obliged to Attend their duty therein Be it therefore enacted by the Right Honourable the Lord Proprietor by and with the Advice and Consent of his Lordships Governor and the Upper and Lower Houses of Assembly and the Authority of the same That all Causes Pleas Process and Proceedings either Civil or Criminal now Depending in or returnable to the said County Court to be held the fourth Tuesday in November in this Present Year shall be and are by Virtue of this Act Adjourned and Continued from the said fourth Tuesday of November untill the third Tuesday in December next following the said fourth Tuesday in November and shall be in the same Plight and Condition as they would be on the said fourth Tuesday in November any Law Usage or Custom to the Contrary Notwithstanding Provided always that as the Court in the said County is by this Act put off til a Time too late in the Year to send out the Officers and Lawyers fees to the Sheriff of the said County by the tenth day of January next the said Officers and Lawyers shall Nevertheless have Time till the twentieth day of January next to deliver their several Lists and Accounts of Fees to the Sheriff of that County any other Law to the Contrary Notwithstanding

19.th Novem.r 1763
Read and Assented to by the Lower House of Assembly
Signed ꝑ.r Order
MMacnemara Clk Lo Ho.

On behalf of the Right honble the Lord proprietary of this Province I will this be a Law
Hor.o Sharpe

The Great Seal in Wax appendant

19.th Novem.r 1763
Read and Assented to by the Upper House of Assembly
Signed ꝑ.r Order
J Ross Clk Up.r Ho

No. 19 An Act to enable the Rector Vestrymen and Church Wardens of the Parish of St Margarets Westminster in Ann Arundel County for the Time being to Sell a Tract of Land therein mentioned and to Apply the Produce Money arising by such Sale toward the Purchase of another Piece of Land to be made a Glebe for the use of the Incumbent of that Parish and his Successors

[*No. XX*] [Passed 21st of November]

[Preamble] Whereas the Rector Vestrymen Church Wardens and Sundry of the Principal Inhabitants and freeholders of the Parish of St Margarets Westminster in Ann Arundel County by their Humble Petition to this General Assembly have set forth that they in Right of the Parish are Seized of a Tract or Parcel of Land Originally Granted to a Certain William Fuller for one hundred and fifty Acres and now commonly known by the Name of Whitehall lying in an Extreme part of the said Parish near a Place called Sandy p. 508 Point and here have by reason of the very Inconvenient Situation

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of the said Land Humbly prayed that An Act may pass to enable them the said Rector Vestrymen and Churchwardens to sell the said Land at any sum not less than three hundred Pounds Sterling and to Apply the Produce Money arising by such Sale toward the Purchase of another Piece of Land in a more Centrical part of the Parish to be made a Glebe for the use of the Incumbent of the said Parish and his Successors which being by the General Assembly thought reasonable it is prayed that it may be enacted

[Some Glebe Land to be sold, and some other purchased in it's stead, more Centrical]

And be it enacted by the Right Honourable the Lord Proprietary by and with the Advice and Consent of his Lordships Governor and the Upper and Lower Houses of Assembly and the Authority of the same That the Vestrymen and Church Wardens of the Parish of St Margarets Westminster in Ann Arundel County for the time being or the Major Part of them be and are hereby Authorized and impowered to sell and dispose of and convey in Fee Simple to the Person that shall bid the highest Price and not under three hundred Pounds sterling for the aforesaid Tract or Parcel of Land within twelve Months from the end of this Present Session of Assembly at Publick Vendue giving two Months Notice of said Sale in the Maryland Gazette and the Produce Money arising by such Sale to Apply towards the Purchase of Another Piece of Land lying in some more Centrical part of the said Parish and that such other Land when so Purchased shall be made over to the Vestrymen and Church Wardens aforesaid or the Major Part of them in Trust and for the use and Benefit of the Minister or Incumbent of said Parish for the time being and to his Successors Ministers or Incumbents of the said Parish forever

[Or, the purchase money to be put to interest]

Provided that in Case the said Vestrymen and Church Wardens shall not be able in six Months after the Sale aforesaid to Purchase some other Tract of Land now Centrical as herein before directed then the said Vestrymen and Church Wardens shall and are hereby impowered and Directed to place the Money arising from the said Sale as aforesaid out to Interest upon Good and Sufficient Security which Interest shall be Paid Yearly to the Rector or Incumbent of the said Parish for the Time being untill the Purchase as aforesaid can be made which it is Nevertheless hereby declared to be the duty of the said Vestrymen and Church Wardens or the Major Part of them to make as soon as they Possibly can to the Advantage and Convenience hereby intended Any thing in this Act to the Contrary Notwithstanding

Novem.r 19.th 1763
Read and Assented to by the Lower House of Assembly
Signed ꝑ Order
MMacnemara Clk lo Ho:

On behalf of the Right Honourable the Lord Proprietary of this Province I will this be a Law
Hor.o Sharpe

19 Novem.r 1763
Read and Assented to by the Upper House of Assembly
Signed ꝑ Order
JRoss Clk Up Ho

The Great Seal in Wax appendant

No. 20 [*No. XXI*] Liber H. S. No. 1 p. 509 [Passed the 21st of November] [Preamble]

An Act for the Speedy recovery of small Debts out of Court before one Justice of the Peace

Whereas the recovery of Small debts before one Justice of the Peace out of Court has been found at great Satisfaction and Ease to the Good People of this Province and that the Jurisdiction of one Justice of the Peace by the law heretofore made is not sufficiently extended to Suit their Conveniency and benefit It is therefore humbly Prayed that it may be Enacted

[Debts not above 600lb of Tobacco or 50s. to be recovered before a single justice]

And be it enacted by the Right Honourable the Lord Proprietary by and with the Advice and Consent of his Lordships Governor and the Upper and Lower Houses of Assembly and the Authority of the same That in all Cases where the real Debt or Damage doth not exceed Six hundred Pounds of Tobacco or fifty Shillings Current Money it shall and may be Lawfull for any one Justice of the Peace of each respective County wherein the Debtor doth reside to try hear and Determine the Matter of Controversy between the Creditor and Debtor and upon full hearing of the Allegations and Evidences of both Parties shall give Judgment According to the Equity and Right of the Matter & if need be Charge the Constable with the Body of the Debtor in Execution who is hereby Obliged and empowered to carry the Person so committed to the Sheriff of the County together with a Certificate or Mittimus from such Justice wherein shall be certified the Debt and Cost whereof such Person shall be convict by him to be Safely kept until Satisfaction or other end thereof or Otherwise that such Justice or any other Justice of the Peace for the same County shall within twelve Months from the Time of the Rendition of said Judgment award Execution thereon directed to the Sheriff of the County by Warrant or Mittimus in the Nature of a Capias ad Satisfaciendum fierifacias or Otherwise and that in Case upon the return of any Warrant or any Complaint Issued by any Justice it shall Appear that the Person against whom the same shall issue is not to be found it shall and may be lawfull for the Creditor to Proceed in the several and respective County Courts for Obtaining an Attachment according to the Directions of the Act for issuing out Attachments in this Province and limitting the extent of them against the Goods Chattells and Credits of such Persons for any sum exceeding one hundred Pounds of Tobacco or ten shillings in Current Money any Act or Acts to the Contrary Notwithstanding

[Time allowed to procure evidences, &c.]

And Whereas many times Witnesses may be wanting or the Parties not Prepared to make Good their Allegations immediately on the Appearance of a Defendant so that a further Time may be Necessary to examine into the matters of Controversy Be it therefore enacted That when any Defendant shall be brought on a Warrant before any Justice of the Peace such Justice may if he in his Discretion shall think fit give and Allow to such Defendant a future Certain day not exceeding ten days to Appear before such Justice or any other Justice of the same County at a Certain place to be Appointed to Answer unto such Warrants such Defendant giving Good and Sufficient Security if such Justice shall Award it Necessary by way of Recognizance in the Nature of Bail for the Defendants Appearance at the time and Place Appointed and Paying what he shall be Condemned in on the said Warrant or Surrendering his Person to Prison in Satisfaction thereof or in Default of the Defendants giving such Security to commit such Defendant to the Sheriffs Custody till he give such Bail &c if the Defendant shall not Appear at the Time and Place Appointed Judgment may be rendered against him on such Default or on an exparte Hearing if the Justice does not see cause to the Contrary and if Judgment shall be in any Manner rendered against the Principal Debtor and he does not pay such Condemnation or render himself on Execution to be issued returnable at the end of thirty days from the Issuing thereof a Warrant shall and may be issued and Recovery and Execution had against such Bail in the same Manner as against Principal Debtors saying to such Bail all manner of Defence that Special Bail in Courts of Law are intituled to on the return of the first or second Scire facias and the Liberty of Delivering up the Principal Debtor on the return of such Warrant on Payment of Costs on the same Warrant

Liber H. S. No. 1

p. 510

[Constable to give notice to the Plaintiff]

Provided always and it is hereby enacted That the Constable shall give notice to the Plaintiff or his Agent where either of them lives in the same Hundred of the Time and Place he intends to carry the Defendant before a Justice and in Case neither the Plaintiff having notice as aforesaid nor any Person for him nor the Plaintiff nor any Person for him when such Plaintiff lives out of the same Hundred and hath not Appointed any Agent in that Business with or without notice shall Appear on the return of the Warrant or shall make default in not Appearing at the Time and Place Appointed when there shall be an Appointment by the Justice of a Future day for an hearing the Justices before whom any Defendant shall be brought on a Warrant as aforesaid or before whom he shall Appear on an Appointment as aforesaid shall and may Hear and Determine the matter of Controversy Exparte

[Supersedeas may be taken]

And be it further enacted That from and after the end of this Present Session of Assembly it shall and may be lawfull for the Justices before whom any such Judgment is had or any other Justice of the Peace of that County to take a Supersedeas of such Judgment in the same manner and for the same time as is by law directed for any two Justices to take of any Judgments or Executions on Judgments rendered in the Several County Courts of law of this Province

Liber H. S. No. 1

[small debts not to be sued for in the County Court] And be it likewise enacted That the Justices of the Several County Courts within this Province shall not hold Plea in the said Courts of any Debt or Damage which shall not exceed six hundred Pounds of Tobacco or fifty shillings in Current Money any Law usage or Custom to the Contrary Notwithstanding

[An act repealed] And be it likewise enacted that An Act of Assembly made at a Session of Assembly held at the City of Annapolis on the Twenty sixth day of April Anno Domini Seventeen hundred and fifteen entituled an Act for the Speedy recovery of small Debts out of Court p. 511 before a Single Justice of the Peace be and is hereby Abrogated repealed and made Void

[Parties aggrieved may appeal] Provided always that in Case either Plaintiff or Defendant shall think him or herself aggrieved by the Determination of any Magistrate where the sum shall exceed Thirty three shillings and four Pence or four hundred Pounds of Tobacco he or She shall be at Liberty to Appeal to the next County Court before the Justices thereof who are hereby upon the Petition of the Appellants in a Summary way to have the Allegations and Proofs of both Parties and Determine upon the same according to the Equity and Right of the Matter the same Court in which the said Petition shall be exhibitted without any further Continuance or delay unless it shall Appear to the Satisfaction of the said Court that further Time ought to be given to the Party Applying for the same to enable the said Court to Determine the Cause according to the equity and Right of the Matter

[In case of supersedeas, bonds to be taken] Provided also and be it further Enacted that no Execution upon any Judgment to be rendered by any Justice shall be stayed or delayed or any Supersedeas upon such Judgment granted upon any Appeal unless the Person Appealing or some other on his or her behalf shall immediately upon making such Appeal Enter into Bond with Sufficient Sureties such as the Justice by whom Judgment shall be given shall Approve of in Double the sum recovered with Condition that if the Party Appealing shall not Prosecute his Appeal at the next County Court with Effect According to the Directions of the Act entituled an Act for the Speedy recovery of small Debts out of Court before one Justice of the Peace and also pay and Satisfy the Party in whose behalf the Judgment of the Justice shall be given his Executors Administrators or Assigns in Case the said Judgment shall be Affirmed as well the Debt Damage and Cost Adjudged by the Justice from whose Judgment such Appeal shall be made as also all Cost and Damage that shall be Awarded by the Court before whom such Appeal shall be heard tried and Determined then the said Bond to be and remain in full Force and Virtue Otherwise to be of none Effect

This Act to Continue for three Years and unto the end of the next Session of Assembly which shall happen after the Expiration of the said three Years

Liber H. S. No. 1
[Duration]

November 19.th 1763
Read and Assented to by the Lower House of Assembly
Signed ꝑ Order
MMacnemara Clk Lo Ho

On behalf of the Right Honourable the Lord Proprietary of this Province I will this be a Law
Hor.o Sharpe

19 November 1763
Read and Assented to by the Upper House of Assembly
Signed ꝑ Order
JRoss Clk Up Ho

The Great Seal in Wax appendant

No. 21
[*No. XXII*]

A Supplementary Act to the Act Entituled An Act for Emitting and making Current Ninety Thousand Pounds Current Money of Maryland in Bills of Credit

p. 512
[Passed 21st of November]
[Preamble]

Whereas by the said Act of Assembly entituled an Act for emitting and making Current Ninety Thousand Pounds Current Money of Maryland in Bills of Credit it was Provided for the better Supporting the Credit of the said Bills that there should be a duty of one shilling and three Pence sterling paid to the said Several Naval Officers for every Hogshead of Tobacco or upon every four hundred Pounds of Tobacco be it in Chest or Case which should be exported out of this Province by the several Masters of Ships or other Vessels exporting the same for and during the Space of Thirty one Years in Bills of Exchange and that such Bills of Exchange should be remitted to Trustees in London and laid out in the Purchase of Bank stock for the use and in Trust for this Province And Whereas it is also directed by the same Act that at the end of the last Sixteen Years of its Continuance the said Trustees should make Sale of the said Bank Stock to discharge the Bills of Exchange to be then drawn on them by the Commissioners for emitting the Bills of Credit mentioned in the said Act And Whereas it now Appears to this General Assembly more to the Advantage of the Country that the said duties which shall be Collected after the first day of December next should not be remitted to the said Trustees but be retained here for Payment (so far as they will go) of the Proprietors of the said Bills of Credit when the same are brought in to be Sunk According to the directions of that Act

[Naval Officers to pay the Duty of 15 d. per Hogshead, for sinking the paper currency, into the Loan Office.]

Be it therefore enacted by the Right Honourable the Lord Proprietary by and with the Advice and Consent of the Lordships Governor and the Upper and Lower Houses of Assembly and the Authority of the same That the several Naval Officers shall before the sixth day of October in the Year of our Lord one thousand seven hundred and Sixty four pay into the Hands of the Commissioners or Trustees for emitting Bills of Credit in this Province Good Bills of Exchange upon London Payable at thirty days sight

Liber H. S. No. 1 for the Amount of the duty of fifteen Pence ꝑ Hogshead which they shall respectively receive for Tobacco that shall be exported after the first day of December next instead of Remitting such Bills of Exchange to the Trustees in London as was directed by the above recited Act and the said Commissioners or Trustees for emitting the Bills of Credit established by Act of Assembly are hereby directed and impowered to receive the same and enter them in their Books to the Credit of the Province of Maryland and that the said Bills of Exchange so by them received shall be the first Bills of Exchange they shall Pay away to those who shall bring in Bills of Credit to be Sunk at the end of the said Sixteen Years and the Delivery of the said Bills by the said Commissioners or Trustees shall be a Payment and discharge of the said Bills of Credit so to be brought in and sunk as fully and amply as Bills Drawn by the said Commissioners or Trustees upon the Trustees in England According to the Directions of the said recited Act any thing p. 513 therein Contained to the Contrary Notwithstanding

19.th Novem.r 1763
Read and Assented to by the Lower House of Assembly
Signed ꝑ.r Order
MMacnemara Clk lo Ho

On behalf of the Right Honourable the Lord Proprietary of this Province I will this be a Law.
Horo: Sharpe

19.th Novem.r 1763
Read and Assented to by the Upper House of Assembly
Signed ꝑ Order
JRoss Clk Up Ho.

The Great Seal
in Wax appendant

No. 22 An Act for the Advancement of Justice

[*No. XXIII*] [Passed 21st of November] [Preamble] Whereas Notwithstanding the several Laws heretofore made for the Advancement of Justice amendment of the Law and Aiding and Supplying several Defects in Judicial Proceedings great delay trouble and expences have been and still are Occasioned by Demurrers Arresting and reversing of Judgments and Staying executions by Writs of Error and Appeal there being yet no Sufficient Provision made for the aiding such Omissions Errors and Imperfections as are Usually taken Advantage of by Special Demurers and also for Aiding such Defects in the entrys of Clerks as are frequently taken Advantage of on the Prosecuting Writs of Error or Appeal as well as divers other Advantages of other defects or Pretended Defects or Errors which only serve to prevent or direct the Examination of and giving Judgment on the very Right of the Cause For Remedy Whereof

[Courts of Law shall give judgment according as the Right of the Cause, &c shall appear to them, without regarding omissions, Errors, &c.] Be it enacted by the Right Honourable the Lord Proprietary by and with the Advice and Consent of his Lordships Governor and the Upper and Lower Houses of Assembly and the Authority of the same That in all Actions to be commenced after this Session of Assembly the Justices of the several Courts of Law within this

Province shall Proceed and give Judgment According as the very Right of the Cause and matter in Law shall Appear to them without regarding any such Omissions Defects Advantages or Pretences as aforesaid so as sufficient Matters shall Appear in the Proceedings upon which the Court may Proceed to give Judgment According to the very Right of the cause and Matter in Law and that it shall Appear that the Action shall be commenced after the Cause thereof shall Accrue and that no such Judgment shall be reversed or set a side or Execution thereon delayed for or by reason of any such Imperfection Omission or Defect any law Usage or Custom to the Contrary Notwithstanding

Liber H. S. No. 1

Provided always and be it enacted by the Authority aforesaid that nothing in this Act shall extend or be construed to extend to any Writ Declaration or Suit of Appeal of Felony or Murder or to any Indictment or Presentment of Treason Felony or Murder or other matter or to any Process upon any of them or to any Writ Bill Action or Information upon any Penal Statute

[But shall not extend to prosecutions for Treason, Felony &c]

And be it further enacted by the Authority aforesaid that in all Actions hereafter to be Commenced in the Provincial Court for the Recovery of any certain Sum of Money or Quantity of Tobacco within the Jurisdiction of that Court where the Plaintiff is desirous of a Speedy Tryal That if the Plaintiff shall send a Copy of the Declaration in the Case with the Writt and Cause the same to be served on or delivered to the Defendant or left at his or her Place of abode Twenty days at the least before the Appearance Court it shall and may be lawfull for the Justices of the said Court and they are by this Act required to Oblige the Defendant by Rule of Court to Proceed to Tryal the same Court and if the Defendant shall Neglect or refuse to Answer or Plead to render Judgment for the Plaintiff with Costs of Suit unless sufficient Cause be Shewn by the Defendant why there should be an Imparlance

[Plaintiffs requiring speedy Trial, to send Copy of Declaration, &c.] p. 514

And be it further enacted that in all Actions in the County Courts where the Matter or Thing in dispute shall not exceed the sum of Twenty Pounds Sterling Money or five Thousand Pounds of Tobacco the Justices of the County Court where such Action shall be brought may and shall (at the Prayer of either Plaintiff or Defendant either before or after Judgment or Verdict of a Jury at common Law) hear and determine the same According to the Rules of Equity and Good Conscience as fully and Amply as the Chancellor or keeper of the Great Seal might do in any Case within the Jurisdiction of the Chancery Court any Law Usage Verdict of a Jury or Custom to the Contrary Notwithstanding

[County Courts Power to determine according to Equity in actions not exceeding 20 l. sterling, or 5000 ℔ of Tobacco.]

Provided always that nothing in this Act contained shall extend or be construed to extend so as to limit Abridge or restrain the Jurisdiction of the High Court of Chancery of this Province in any manner or respect Whatsoever but that the said Court shall

[Exception as to the jurisdiction of the Court of Chancery]

Liber H. S. No. 1

have the same Power Authority and Jurisdiction in all and every Case as belonged to and was received by the said Court before the making this Act any thing herein contained Notwithstanding

[Where any surety, &c. discharges a Bond or Protested Bill, it shall be assigned to him by the Obligee &c. and he shall have action in his own name against the principal Debtor]

And be it enacted That where any Person or Persons is or are bound in any Bond or other Obligation for the Payment of Money Tobacco or other Goods or Indorse any Bill of Exchange that shall be Protested and the Money Tobacco or other Goods or such part thereof as shall be unpaid by the Principal Debtor shall be Paid or tendered by the Surety or Indorser that the Obligee or Indorsee shall be Obliged to Assign such Bond Obligation or Protested Bill to the Surety paying or tendering the Money Tobacco or other Goods due as aforesaid and that the Assignee shall and may by Virtue of such Assignment and this Act have an Action in his or her own name against the Principal Debtor any Law Usage or Custom to the Contrary Notwithstanding

[Where the Surety satisfies judgment it shall be assigned to him by the Creditor, and he shall have Execution against the Principal. Where one Surety satisfieth the whole, he may have Execution against the other Sureties for a proportionable Part. Defendant may have Audita Querela.] p. 515

And be it enacted That where any Person or Persons hath recovered or shall recover any Judgment against the Principal Debtor and Surety and such Judgment hath been or shall be satisfied by Sureties that the Creditor shall be Obliged to Assign such Judgment to the Surety Satisfying the same and that the Assignee shall be entituled unto and have in his own name as Assignee the same Execution against the Principal Debtor by Virtue of such Assignment and this Act as the Creditor might or ought to have had, The said Assignment being first Recorded in the same Court wherin the Judgment shall have been rendered or Obtained and that where any Judgment hath been or shall be rendered against Several Sureties and one of them hath Satisfied or shall Satisfy the Whole the Plaintiff or Creditor shall be Obliged to Assign such Judgment to the Surety Satisfying the same and that the Assignee shall have and be entituled to an Execution against the other Sureties against whom Judgment hath been or shall be Obtained by the Principal Creditor for a Proportionable part of the Debt or Damage Paid by such Assignee any Law Usage or Custom to the Contrary Notwithstanding Provided always that no Defendant or Defendants shall be Procluded or debarred of his or their remedy against the Plaintiff by Audita Querela or other equitable Course or Proceeding Whatsoever any thing in this Act to the Contrary Notwithstanding

[Bonds &c. being assigned under Hand and Seal, the Assignee may maintain Action in his own Name against the Obligee]

And be it enacted by the Authority aforesaid that upon all Bonds or other Obligations under Seal that have or shall be Assigned under hand and Seal the Assignee shall and may by Virtue of such Assignment maintain an Action or Actions in his or her name against the Obligor or Obligors therein named and if it shall happen that such Obligor or Obligors shall be unable to Pay the Debt mentioned in such Obligation or cannot be found in the Place or County of his Usual Abode or any other thing or Casualty should happen, whereby the Assignee should not be able to receive or recover his

Debt from such Obligor or Obligors that then and in every such Case the like Action shall and may be Maintainable by such Assignee against the Obligee or Obligees in such Obligation mentioned in Case the said Assignee hath not been nor shall be a Surety in the Bond or Obligation Assigned to him as aforesaid any Law Usage or Custom to the Contrary Notwithstanding Provided that where any Debt shall be Lost by the Negligence or Default of the Assignee or Assignees that the Assignee or Assignees shall not be liable any such Assignment Notwithstanding

Liber H. S. No. 1

Provided also that no Action or Actions shall be maintained in the name or names of any Assignee or Assignees upon any Assignment wherein the Obligee or Obligees may be liable under this Act upon the Default of the Obligor or Obligors as aforesaid unless the Assignee or Assignees have made or shall make Oath or Affirmation (if a Quaker) before some Magistrate that he She or they hath or have received no part of the sum mentioned in such Obligation or but such part thereof as shall be mentioned in such Oath or Affirmation at the Time of making any such Assignment to be Indorsed on such Bond or Obligation

[But the assignee shall first make Oath, &c.]

And be it likewise enacted that any Person knowingly Swearing or Affirming falsly in the Premisses and being thereof Convict by due Course of Law shall suffer as in the Case of Wilfull and Corrupt Perjury

[Punishment for false Swearing]

And be it further enacted by the Authority aforesaid That an Attorney being concerned for either Plaintiff or Defendant in any Case of Equity to be Heard before the County Courts as aforesaid shall have and receive one hundred Pounds of Tobacco where the Debt doth not exceed ten Pounds Sterling or two Thousand five hundred Pounds of Tobacco and where the Debt doth exceed Ten Pounds Sterling or Two thousand five hundred Pounds of Tobacco in any such Case the Quantity of Two hundred Pounds of Tobacco and no more

[Attorney's fee in cases of Equity.]

p. 516

17.th November 1763 Read and Assented to by the Lower House of Assembly Signed ꝑ Order MMacnemara Clk lo Ho:	On behalf of the Right Honourable the Lord Proprietary of this Province I will this be a Law Hor.o Sharpe	19.th November 1763 Read and Assented to by the Upper House of Assembly Signed ꝑ Order J Ross Clk Upp H.o

The Great Seal in Wax appendant

No. 23 An Act for the more Effectual Securing of Orphans Estates

No. XXIV]

Whereas it frequently happens that Executors and Administrators and Others that Intermarry with Widows do Obtain the Possession of Real Estate of Orphans within this Province and commit Waste and Destruction thereupon before any Ballance is transmitted from the Commissary's Office in which Case no Guardian can be Ap-

[Passed 21st of November]
[Preamble]

Liber H. S. No. 1

pointed by the several County Courts under any Law now in Force Nor Remedy whereof for the Future

[Orphans of 14 years of age, choose guardians, if under, courts to appoint; to take into their hands their Real Estates, &c.]

Be it enacted by the Right Honourable the Lord Proprietary by and with the Advice and Consent of his Lordships Governor and the Upper and Lower Houses of Assembly and the Authority of the same That it shall and may be Lawfull for the Justices of the several County Courts and they are hereby Authorized and required on Application to them made to permitt such Orphans if above the Age of fourteen Years to chuse his or her Guardian and if under the Age of Fourteen the said Justices to Appoint a Guardian and Immediately Order the said Orphans Real Estate into the Hands of such Guardian in the same manner as they might or cou'd have done had the Ballance of said Estate been Transmitted from the Commissarys Office and such Guardian so as aforesaid Chosen or Appointed by this Act shall have the same Powers and be Subject to the same duties and Regulations as Guardians Otherwise Chosen or Appointed are by the Laws of this Province now in force and when the Ballance of the Personal Estate is transmitted (which is hereby declared to be his Duty to see done as soon as the Particulars Circumstances of the Deceaseds Estate will Admitt) shall receive the same as if then Chosen or Appointed Any Law Usage or Custom to the Contrary in any wise Notwithstanding

Novem.r 17.th 1763
Read and Assented to by the Lower House of Assembly
Signed ℘ Order
MMacnemara Clk Lo Ho.

On the behalf of the Right Honble the Lord Proprietary of this Province I will this be a Law
Hor.o Sharpe.

19.th Novem.r 1763
Read and Assented by the Upper House of Assembly
Signed ℘ Order
JRoss Clk Up Ho.

The Great Seal in Wax appendant

No. 24 [*No. XXV*] p. 517 [Passed 21st of November]

An Act to Confirm the Sale of certain Land lying in Eastern Neck Island in Kent County by Draper Lusby and Frances his Wife Executrix of John Hynson Deceased to Matthew Bryan

Whereas the said Draper Lusby and Frances his Wife and Matthew Bryan by their Petition to this General Assembly have set forth That the aforesaid John Hynson by his last Will and Testament did Will direct and Impower his said Executrix to sell at Publick Sale to the highest bidder and convey within three Months at most after his Discease a Certain Part of his Land lying in Eastern Neck Island described in his said Will as follows All that part of my Land in Eastern Neck Island that lies to the Eastward of a line drawn to the Southward from a bounded red Oak that stands near the main Road between the Fresh Pond and the Head of Calf Pasture Creek and near where Samuel Mungar now lives to a bounded Post at the head of a Gut issuing out of Chester River and which is a Division between my Brother Charles and my Self and also of a line drawn Northerly from the said Oak to the head of the Gutt of Calf Pasture Creek and also to the Eastward of the said Creek And the Money arising from that Sale to be Applied immediately by his Executrix to the Payment of his Debts and that Pursuant to the said last Will the said Executrix did Advertise the Sale of the said Land in the Maryland Gazette and at many Publick Places on a certain day within three Months after the said Testators Decease But the Weather then being rainy and bad and Buyers not then Appearing the Sale was put of to a farther day when the said Matthew Bryan one of the Petitioners Bought the said Land as the highest bidder for the sum of three hundred and eighty Pounds Current Money and the said Land was Pursuant to the said Sale conveyed to him the said Matthew Bryan for the Consideration aforesaid by Deed of Bargain and Sale bearing date the Seventeenth day of June in the Year of our Lord Seventeen hundred and Sixty two by the said Draper Lusby and Frances his Wife but as that was not done within three Months after the Decease of the said Testator as directed by the said Will the Petitioners Apprehend the Title of the said Matthew Bryan may not be Secure as if the Sale and Conveyance had been in Time and therefore as the Land was Sold for a very great Price being but one hundred and forty one Acres and very little Improved and greatly to the benefit of the Heir at Law who is still under Age and wou'd have been Chargeable with the Debts due and Interest and the intent and design of the said Will was in all respects fully complied with they the said Petitioners prayed that an Act might pass Confirming the said Sale and Conveyance of the Land aforesaid to the said Matthew Bryan as safely and Securely to all intents and Purposes as if the said Will had been Literally complied p. 510 with And Whereas it Appears to this General Assembly that the facts set forth in the said Petition are true and that it is Just and reasonable to give relief in the Premisses Be it therefore enacted by the Right Honourable the Lord Proprietary by and with the Advice and Consent of his Lordships Governour and the Upper and Lower Houses of Assembly and the Authority of the same That the said Matthew Bryan is and shall from hence forward stand and be seized to him and his Heirs forever of in and to as good sure Perfect and indefeazable an Estate of Inheritance in Fee Simple in the said recited Land and Premisses conveyed to him as aforesaid by the said recited Deed of the said Draper Lusby and Frances his Wife to all intents and Purposes as he might or cou'd have been had the Sale and Conveyance of the said Land been made and compleated by the said Executrix within three Months from the Decease of the said John Hynson Any thing in the said recited Will to the Contrary Notwithstanding saving to his most sacred Majesty his Heirs and Successors The Right Honourable the Lord Pro-

Liber H. S. No. 1 prietary his Heirs and Successors and to all Bodies Politick an Corporate and all others not mentioned in this Act their several and Respective Rights

Nov.^{r} 17.th 1763
Read and Assented to by the Lower House of Assembly
Signed ꝑ Order
MMacnemara Clk Lo Ho.

On behalf of the Right Honourable the Lord Proprietary of this Province I will this be a Law
Hor.^{o} Sharpe

The Great Seal in Wax appendant

19.th Novem.^{r} 1763
Read and Assented to by the Upper House of Assembly
Signed ꝑ Order
JRoss Clk Up Ho

No. 25 [*No. XXVI*] An Act to Prohibit raising of Swine and Geese in Charles Town in Charles County

[Passed 26th of November] [Preamble] Whereas the Principal Inhabitants of Charles Town in Charles County by their Humble Petition have set forth that they are much Incommoded by Hogs and Geese being raised in the said Town and have prayed that an Act may pass to Prohibit any Person from raising them within the said Town for the Future

[Swine nor geese to go at large in Charles town] Be it therefore enacted by the Right Honourable the Lord Proprietary by and with the Advice and Consent of his Lordships Governor and the Upper and Lower House of Assembly and the Authority of the same That no Person or Persons whatsoever living or that shall hereafter live within the said Town shall after the end of this Present Session of Assembly under any Pretence Whatsoever keep or support within the said Town any Swine or Geese belonging to themselves or to any Person Whatsoever unless such Swine or Geese be kept within such Person or Persons Inclosure so keeping or Supporting such Swine or Geese

[If at large may be shot] And be it enacted That in Case any Person or Persons whatsoever living or that shall live in the said Town shall after the end of this
p. 519 Present Session of Assembly suffer any Swine or Geese belonging to themselves or under their care and belonging to any other Person or Persons to go at large in the said Town it shall and may be Lawfull for any Person to Shoot or Otherwise destroy such Swine or Geese found at large as aforesaid

[Persons shooting indemnified] And be it further enacted That if any Person or Persons shall be sued or impleaded for shooting or Otherwise destroying such Swine or Geese as aforesaid the Defendant or Defendants may Plead the General issue and give this Act and the Special matter in Evidence

Novem.^{r} 21.st 1763
Read and Assented to by the Lower House of Assembly
Signed ꝑ.^{r} Order
MMacnemara Clk Lo Ho:

On behalf of the Right Honourable the Lord Proprietary of this Province I will this be a Law
Hor.^{o} Sharpe

The Great Seal in Wax appendant

21.st Nov.^{r} 1763
Read and Assented to by the Upper House of Assembly
Signed ꝑ Order
JRoss Clk. Up Ho:

No. 26
o. XXVII]

An Act impowering the Justices of Prince George & Charles Counties to Levy on the Taxable Persons of Saint Johns (Commonly called King Georges) Parish in the said Counties the sum of fifty six Thousand Pounds of Tobacco for the Necessary enlargement of their Parish Church

Liber H. S. No. 1

[Passed 26th of November]

[Preamble]

Whereas the Rector Vestrymen Church Wardens and Sundry Parishioners of Saint Johns (Commonly called King Georges) Parish in Prince Georges and Charles Counties by their Humble Petition to this General Assembly representing that their Parish Church is too small for the Congregation which Usually resorts thereto have Prayed that an Act might Pass for the Assessment of fifty six thousand Pounds of Tobacco on the Taxable Inhabitants of the said Parish for enlarging the same

[56000 ℔ of tobacco to be levied at Two Assessments]

Be it therefore enacted by the Right Honble the Lord Proprietary by and with the Advice and Consent of his Lordships Governor and the Upper and Lower Houses of Assembly and the Authority of the same that the Justices of Prince Georges and Charles Counties for the Time being shall be and they are hereby impowered and required on the Application of the Vestry and Church Wardens of Saint Johns (Commonly called King Georges) Parish in Prince Georges and Charles Counties to Assess and Levy on the Taxable Inhabitants of the said Parish the af.d sum of Fifty six thousand Pounds of Tobacco and the Salary of Five Per Centum to the Sheriff for Collecting the same at two equal Assessments which said Assessments shall be respectively made by the Justices af.d in Proportion to the Taxable Inhabitants of the said Parish residing in their several and respective Counties and the same together with the Sheriffs Sallary for Collection shall be Payable by the Taxable Inhabitants of the said Parish and Collected by the Sheriffs of the said Counties in the same manner as Publick and County levies are Payable and Collected and shall be by them respectively Paid to the Vestry and Church Wardens of the said Parish for the Time being who are hereby Authorized and Impowered to Apply the same to enlarging the said Church in such Manner as to them shall seem Most Necessary and Convenient and to no other Use or Purpose whatsoever any Law Statute Usage or Custom to the Contrary notwithstanding

p. 520

[for Enlarging a Church]

November the 21.st 1763.
Read and Assented to By the Lower House of Assembly
Signed ꝑ Order
MMacnemara Clk Lo Ho:

On behalf of the Right Hnble The Lord Proprietary of this Province I will this be a Law.
Horo Sharpe

November 21st 1763.
Read and Assented to by the Upper House of Assembly
Signed ꝑ Order
JRoss Cl Up Ho

The Great Seal in Wax appendant

No. 27 An Act for imposing an Additional duty of two Pounds Per Poll on all Negroes imported into this Province

[*No. XXVIII*] Liber H. S. No. 1 [Passed 26th of November] [Additional duty of 40 s. on each negro imported]

Be it enacted by the Right Honourable the Lord Proprietary by and with the Advice and Consent of his Lordships Governor and the Upper and Lower Houses of Assembly and the Authority of the same that from and after the end of this Session of Assembly all Masters of Ships and other Vessels and all other Persons importing or bringing Negroes into this Province either by Land or by Water shall at the Time of making their entry or bringing in the same pay unto the Naval Officer of the Port or Place where they shall make their entry or bring in such Negroes the sum of two Pounds Current Money over and above what by the Law of this Province now in force is to be Payed for every Negroe so imported or brought in on Penalty and Forfeiture of ten Pounds Current Money for every Negroe so imported or brought in and not Payed for as aforesaid to be recovered by Action of Debt or on the Case with full Costs in any Court of Record within this Province having Cognizance of the same One half thereof to be Applied to the use of him her or them that shall sue for the same the other half to be Applied to the use of the County Schools which said duty shall be Collected Accounted for and Passed by the several Naval Officers in the same manner as the Duties on Negroes heretofore imposed by the Laws of this Province are directed to be collected Accounted for and Payd and under the like Penalties to be recovered and Applied in like manner as in the said Laws is mentioned and shall be Applied to the use of the several County Schools in like Manner as the duties last mentioned are by Former Laws of this Province directed to be Applied

[In what manner collected]

[Proviso, as to the slaves of persons removing into this Province] p. 521

Provided always that nothing herein Contained shall hinder any Person or Persons who shall remove from any other of his Majestys Dominions in order to settle and reside within this Province from bringing with him her or them such Negroes as he she or they shall be Possessed of for carrying on his her or their proper Occupation at the Time of such removal but that such Negroes may be imported Duty Free any thing herein to the Contrary Notwithstanding

[If exported in 2 months the duty to be returned]

Provided also that if any importer or bringer in of any such Negroes as aforesaid shall desire to export them or any of them within two Months from the Time of their Importation and shall make report thereof to the Naval Officer with whom they were first entered and shall export all or any of them it shall and may be Lawfull for such Naval Officer to repay the aforesaid duty to such importer or bringer in for such Negroes in Proportion to the Number that shall be so Exported

[Duration]

This Act to continue and be in force from the end of this Session of Assembly for and during the Term of three Years and to the end of the next Session of Assembly that shall happen after the said three Years Liber H. S. No. 1

22.d Novem.r 1763 Read and Assented to by the Lower House of Assembly Signed ꝑ.r Order MMacnemara Clk Lo Ho:	On behalf of the Right Honourable the Lord Propry of this Province I will this be a Law Hor.o Sharpe The Great Seal in Wax appendant	22.d Novem.r 1763 Read and Assented to by the Upper House of Assembly Signed ꝑ.r Order J Ross Clk Up Ho.

No. 28 [*No. XXIX*] An Act to Continue the Power of Sheriffs and Collectors under the Act entituled An Act for granting a Supply of forty Thousand Pounds for his Majestys Service and Striking thirty four Thousand and fifteen Pounds six shillings thereof in Bills of Credit and raising a fund for Sinking the same in Collecting and Accounting for the several sums due in Virtue of that Act [Passed 26th of November]

[Preamble] Whereas it is represented to this General Assembly that the Taxes Rates and duties which have Accrued due from many Persons by Force and Virtue of the Act of Assembly entituled an Act for Granting a Supply of Forty Thousand Pounds for his Majestys Service and Striking thirty four Thousand and fifteen Pounds six shillings thereof in Bills of Credit and raising a Fund for Sinking the same are still unpaid p. 522

[some Taxes by a former Act] Be it therefore enacted by the Right Honourable the Lord Proprietary by and with the Advice and Consent of his Lordships Governor and the Upper and Lower Houses of Assembly and the Authority of the same that all and every of the Taxes Rates and Duties imposed by the said Act which have already arisen or Accrued due or shall arise or Accrue due before the end of this Present Session of Assembly and are not yet Paid nor shall be Paid before the end of this Session of Assembly shall and may be Collected and levied at any time before the 29.th day of September next by the several and Respective Sheriffs and Collectors to whom the same ought to be Paid in the same Manner as the Taxes Rates and Duties imposed by the said Act may be Collected and levied by the said Sheriffs and Collectors in Virtue of the same Act during the Continuance thereof the expiration of the said Act or any thing therein or in any other Law contained to the contrary thereof Notwithstanding

21.st Novem.r 1763 Read and Assented to by the Lower House of Assembly Signed ꝑ Order MMacnemara Clk Lo Ho.	On behalf of the Right Honourable the Lord Proprietary of this Province I will this be a Law Hor.o Sharpe The Great Seal in Wax appendant	21.st November 1763 Read and Assented to by the Upper House of Assembly Signed ꝑ Order JRoss Clk Up Ho:

No. 29 [*No. XXX*] Liber H. S. No. 1 [Passed 26th of November]

An Act impowering Richard Richardson of Frederick County to Sell and Dispose of the Lands which belonged to his Deceased Father Richardson and to Apply the Money Arising therefrom to the Uses of his said Fathers Will

Whereas Richard Richardson late of Frederick County Deceased died seized and Possessed of Real Estate to Considerable Value and by his Testament and last Will in Writing duly executed proved and Recorded in the Prerogative Court did empower Certain Executors named in the said Will to Sell that Part or Parcel of Land which his son in Law Edward Matthews Deceased then lived on Commonly reputed to be one hundred Acres of Land called part of Josiah and formerly Purchased by the said Richard Richardson deceased from Henry Clagett And that the Money arising from such Sale should be immediately Applied to the Discharge of his Debts and all the rest of his Lands and Appurtenances thereunto belonging he Willed and Ordained should be Sold by his Executors and that the Money arising from such Sale should be Divided amongst his Children named in the said Will in the Manner and Proportion therein mentioned And Whereas the said Richard Richardson the son who is Heir at Law of the said Richard Richardson Deceased by his p. 523 Petition to this General Assembly hath set forth that the said Executors refused to Act under the said Will for which reason the said Lands remain unsold and himself and the rest of the Children are reduced to the utmost distress for want of their respective Dividends and hath therefore prayed that an Act may Pass enabling him to sell the said Lands and make Distribution of the Money arising thereby Agreeable to the said Will which Allegations Appearing to this General Assembly to be true Be it therefore enacted by the Right Honourable the Lord Proprietary by and with the Advise and Consent of his Lordships Governor and the Upper and Lower Houses of Assembly and the Authority of the same that the said Richard Richardson the son be and by Virtue of this Act is impowered to set up and expose to Sale at one or more Public Vendue or Vendues to the highest bidder as well the said part of the Tract of Land aforesaid called Josiah as all other the Lands and Appurtenances which the said Richard Richardson Deceased had at the time of his making and Executing his Will aforesaid and every Part and Parcel thereof either the whole thereof together or in such Parts and Parcels as to him the said Richard Richardson the son shall seem most convenient and best Two Months Notice of the said Sale or Sales and the time and Place of such Vendue or Vendues being first given in the Maryland and Pensylvania Gazettes and the said Lands and each and every of them and Premisses with the Appurtenances and all Right Title Interest Estate Use Trust Profit Property Claim and Demand of him the said Richard Richardson Deceased at the Time of his Death of in to and out of the

Liber H. S. No. 1

same Lands and every part and Parcel of them and each of them and Premises with the Appurtenances to make and convey by Indenture of Bargain and Sale or by any other Proper Conveyance or Conveyances in the Law to the Person or Persons respectively who shall bid and give the best and highest Price therefor as fully and effectually to all intents and Purposes as if the said Richard Richardson the son was seized in his own Right of and in the like Estate of and in the said Lands as the said Richard Richardson Deceased was seized of at the Time of his Death And the Monies arising from and on each Sale of the said Part of the Tract of Land aforesaid called Josiah to pay and deliver over to the Administrators of the aforesaid Richard Richardson deceased in whose Hands the same shall be legal Assets as if the same was Properly Personal Estate And the Moneys arising from and on such Sale of the said other Land to Apply and distribute amongst the Children of the said Richard Richardson deceased named in his Will aforesaid in the Manner and Proportion therein directed According to the true intent and meaning of the same Will first deducting thereout the reasonable Charges and expences of such Sales and to the end that such Application and Distribution may be faithfully made Be it enacted that the said Richard Richardson the son before such Sale or Sales as aforesaid shall give Bond in the Penalty of fifteen hundred Pounds Current Money with Good and Sufficient Sureties to the Deputy Commissary of Frederick County in the same manner and fform as is Usual for Executors to give (which said Bond shall be by the said Deputy Commissary transmitted to and be lodged in the Prerogative Office in Annapolis) with Condition to the same Bond Annexed That the said Richard Richardson shall dispose of Account for apply and Distribute the Monies Arising by such Sale or Sales Agreeable to the Direction of the Will aforesaid and true intent and meaning of this Act and shall at such Sale or Sales Produce a Certificate from the said Deputy Commissary or such Security having been given And also that the said Richard Richardson the son shall within six Months after the Sale aforesaid Account with the Commissary for the Produce of such Sale and give Security for the Payments of the same in the same manner as if it were Properly Personal Estate to be Divided and distributed According to the true intent and meaning of the Will aforesaid and this Act Provided always and be it enacted That this Act shall not extend to Burthen or charge the Heirs Orphans or Orphan of the said Richard Richardson deceased or any Person or Persons Claiming by from or under them or any of them with any General or other Warranty than against the said Richard Richardson Deceased and his Heirs saving to his most Sacred Majesty his Heirs and Successors, The Right Honourable the Lord Proprietary his Heirs and Successors,

p. 524

Liber H. S. No. 1 and to all Bodies Politick and Corporate and all others not mentioned in this Act their Several and Respective Rights

22.d Novem.r 1763
Read and Assented to by the Lower House of Assembly
Signed ꝑ.r Order
MMacnemara Clk Lo Ho:

On behalf of the Right Honourable the Lord Proprietary of this Province I will this be a Law
Hor.o Sharpe

22.d Novem.r 1763
Read and Assented to by the Upper House of Assembly
Signed ꝑ Order
JRoss Clk Up Ho:

The Great Seal in Wax appendant

No. 30 [*No. XXXI*] p. 525 [Passed 26th of November] An Act to impower the Justices of Charles County to Levy on the Taxable Inhabitants of Portobacco Parish in said County an Additional Sum not exceeding two Pounds of Tobacco Per Poll Annually for the further Support of an Organist in the said Parish

[Preamble] Whereas at a Session of Assembly begun and held at the City of Annapolis on Wednesday the twenty second day of November Seventeen hundred and fifty eight a Petition was Preferred by many of the Inhabitants of Portobacco Parish in Charles County setting forth That Doctor Gustavus Brown of said County had Proferred a Donation of an Organ On Condition that the said Parish would employ an Organist and praying that an Act might Pass to enable the Justices of said County Annually to Levy on the Taxable Inhabitants of the said Parish a sum not exceeding Two Pounds of Tobacco per poll for that Purpose An Act did pass Accordingly and it being represented to the General Assembly by Petition of Sundry Inhabitants of the Parish aforesaid That the aforesaid sum of two Pounds of Tobacco Per Poll is found insufficient for the Purpose aforesaid and prayed that an Act may pass for an Additional Assessment of two Pounds of Tobacco Per Poll

[Justices of Charles County to levy a further sum of 2 ℔ of Tobacco to support an Organist] Be it therefore enacted by the Right Honourable the Lord Proprietary by and with the Advice and Consent of his Lordships Governor and the Upper and Lower Houses of Assembly and the Authority of the same That the Justices of Charles County Court shall and they are hereby required Annually during the Continuance of the above recited Act upon Application of the Vestry of the said Parish to Assess and levy on the Taxable Inhabitants thereof a further sum not exceeding Two Pounds of Tobacco Per Poll a Certificate of which Assessment under the County Seal shall be a sufficient Warrant for the Sheriff of the said County to levy and Collect the sum of Tobacco therein mentioned from the said Taxable Inhabitants and the said Sheriff shall levy Collect Account for and Pay the same to the said Vestry in the same manner as the two Pounds of Tobacco Per Poll in the aforesaid recited Act is directed to be Levyed Collected Accounted for and Paid retaining to his

Liber H. S. No. 1

own use out of the same a Sallary of five Per Cent and the said Tobacco so by the Sheriff Collected and Payd the said Vestry shall and they are hereby required to apply towards the Support of an Organist in the Parish aforesaid

[Payable in Money] p. 526

Provided always and be it enacted That nothing in this or the aforesaid recited Act Contained shall be Construed to take away from the Inhabitants of the said Parish the Liberty of Paying the said Assessment in Money during the Continuance of this Act in the same Manner as Publick and County Levies may be Paid and discharged

[How to be applied when no Organist]

Provided also and be it further enacted That if the said Parish shall at any time be without an Organist all such sum or Sums of Tobacco as shall at such time be levyed on the Taxable Inhabitants thereof or any sum or Sums of Tobacco or Money which shall be in the Hands of the Vestry unapplied shall be by the said Vestry Applied laid out and expended for the use of the said Parish to such Purposes and in such Manner as the Majority of the Vestry and Church Wardens shall order and Direct

22.d Novem.r 1763
Read and Assented to by the Lower House of Assembly
Signed ꝑ.r Order
MMacnemara Clk Lo Ho:

On behalf of the Right Honourable the Lord proprietary of this Province I will this be a Law
Hor.o Sharpe

22.d Novem.r 1763
Read and Assented to by the Upper House of Assembly
Signed ꝑ.r Order
JRoss Clk Uu Ho:

The Great Seal in Wax appendant

No. 31
[*No. XXXII*]

An Act for erecting a Publick School in Frederick County

[Passed 26th of November]
[Preamble]

Whereas it is reasonable that Education should be extended equally to the several Parts of the Province and that there should be a Publick School erected in ffrederick County as Well as the other Counties

[A Public School to be erected in Frederick-Town.]
[Visitors,]
[to have Succession]

Be it therefore enacted by the Right Honourable the Lord Proprietary By and with Advice and Consent of his Lordships Governor and the Upper and Lower Houses of Assembly and the Authority of the same that in Order to the erecting and Building a House and other Conveniencies for a County School there shall be one Acre of Land Purchased in Frederick Town in ffrederick County by the Persons hereafter named who shall be Visitors of the said School Viz.t Coll Thomas Cresap M.r Thomas Beattys M.r Nathan Magruder Captain Joseph Chapline M.r John Darnall Colonel Samuel Beall and the Reverend M.r Thomas Bacon which said Persons so nominated Visitors for ffrederick County School shall Qualify in the same Manner and be Subject to the same Penalties and be invested with the same Right Privileges Powers and Authorities as the Visitors of the other County Schools within this Province and shall have Succession in like Manner

Liber H. S. No. 1 [The dividend of school money in the Treasurers Hands] p. 527

And be it further enacted that of all the Duties Taxes and Impositions hereafter to be Collected and which since the twenty ninth day of September last have been Collected for the use of the County School within this Province there shall be Paid by the Treasurers to the Visitors aforesaid or their order an equal Dividend by them to be Applyed and expended to and for the Purchasing of one Acre of Land as af.^{d} and Building an House and other Conveniencies as aforesaid and to and for the Use and Benefit of the said School in the like Manner as the Dividend due to the other County Schools is by Law Directed to be Applied

24.th Novem.^{r} 1763 Read and Assented to by the Lower House of Assembly Signed ꝑ Order MMacnemara Clk Lo Ho:	On behalf of the Right Honourable the Lord Proprietary of this Province I will this be a Law Hor.^{o} Sharpe.	24.th Novem.^{r} 1763 Read and Assented by the Upper House of Assembly Signed ꝑ Order JRoss Clk Up H.^{o}

The Great Seal in Wax appendant

No. 32 [*No. XXXIII*] [Passed 26th of November]

An Act entituled a Supplementary Act to An Act entituled an Act for the Speedy and Effectual Publication of the Laws of this Province and for the encouragement of Jonas Green of the City of Annapolis Printer

[Preamble] Whereas it is represented to this General Assembly By Jonas Green Printer of the Province that the Time Limitted By an Act of Assembly made at a Session begun and held at the City of Annapolis the Seventeenth day of March in the Year of our Lord Seventeen hundred and Sixty two entituled An Act for the Speedy and effectual Publication of the Laws of this Province and for the encouragement of Jonas Green of the City of Annapolis Printer is too Short for the Printing the Laws and Votes and Proceedings of this Session from the Approaching bad Season of the Year and that the Time therein Limitted may Be Lengthened

[Time lengthened for printing the Laws of this Session] Be it enacted by the Right Honourable the Lord Proprietary by and with the Advice and Consent of his Lordships Governor and the Upper and Lower Houses of Assembly and the Authority of the same that the Time in the said Act be Lengthened and that the said Jonas Green shall Print the Laws of this Session within four Months and the Votes and Proceedings of the Lower House of Assembly this Session within five Months after the end thereof and that on his Printing and delivering the Laws and Votes and Proceedings of this Session within the Time herein Limitted he shall be and is hereby entituled to all the Benefits of the said Law as if he had Printed them within the Time therein Limitted Provided always that nothing in this Act shall be construed to repeal the af.^{d} Act except as to the Printing the Laws and Votes and Proceedings of this Session of Assembly only

And the said Jonas Green having due unto him the sum of Nine Pounds twelve shillings Current Money for two Record Books furnished by him for the use of the Publick Be it further enacted by the Authority Advice and Consent af.^{d} that the Treasurer of the Western Shore shall out of the Publick Money now in his Hands pay to the said Jonas Green or his Order on Demand the af.^{d} sum of Nine Pounds twelve Shillings Current Money

Liber H. S.
No. 1
[Allowance for two Record books]

24.th Novem.^{r} 1763
Read and Assented to by the Lower House of Assembly
Signed ꝑ Order
MMacnemara Clk Lo Ho:

On behalf of the Right Honourable the Lord Proprietary of this Province I will this be a Law
Hor.^{o} Sharpe

24.th Novem.^{r} 1763
Read and Assented to by the Upper House of Assembly
Signed ꝑ.^{r} Order
JRoss Clk Up Ho

The Great Seal
in Wax appendant

No. 33 [*No. XXXIV*] An Act to revive Kent County November Court and to Continue the Process therein

[Passed 26th of November]

Whereas on the third Tuesday in November this Present Year the County Court of Kent County According to Adjournment from August Court did sit and from day to day did Adjourn in the usual manner until the twenty first day of November aforesaid on which day the Weather being bad a Sufficient Number of the Justices of the said County to hold the said Court did not meet According to Adjournment by means whereof the same Court and Business therein are Discontinued to the Great inconvenience of the Inhabitants of the said County It is therefore prayed that it may be enacted And be it enacted by the Right Honourable the Lord proprietary by and with the Advice and Consent of his Lordships Governor and the Upper and Lower Houses of Assembly and the Authority of the p. 529 same that all Actions and Business whatsoever brought to Judgment or other Determination in the said Court shall stand Good and be Effectual and all Actions and Bussiness Depending in the said Court and at the Time of the Discontinuance aforesaid not fully Compleated and ended shall be and Stand in all Circumstances and to all intent and Purposes continued to the first Tuesday in December next as fully and effectually as if the said Court and the Bussiness therein had not been discontinued and that the Justices of the said County Court shall on the said first Tuesday in December Set and take Cognizance of Proceed in hear and Determine all such Actions and Bussiness in as full and Ample manner and with the same Powers and Authorities as they might or ought to have Done if the said Court had been regularly Adjourned to that day and had not been discontinued as aforesaid any Defect whatsoever in the Continuance of the said Court or any want of Continuance or other Defect therein or any thing in the Act for limitting the Continuance of Actions in any wise Notwithstanding And be it further enacted

Liber H. S. No. 1 that all Writs Precepts and Process recognizances and other matters returnable to the said Court and not then Determined shall be and are hereby declared to be continued to the said first Tuesday in December any thing in the said Writs Precepts Process Recognizances or other matters to the Contrary Notwithstanding And that all Persons matters and things taken or Effected by such Process and all Persons summoned or bound by Recognizance to Appear and Attend at the said Court shall be Obliged in the same manner and under the same Penalties and forfeitures to Appear and Attend at the said County Court to beheld on the said first Tuesday in December as they were respectively under for their Appearance and Attendance at the said Court on the third Tuesday in November And that all Bail Bonds for the Appearance of Persons Arrested on Writs Returnable to the said Court on the said p. 530 third Tuesday in November shall be Assignable and the Sheriff be Amerciable for Default of the Defendants Appearance at the said Court on the said first Tuesday in December in the same manner as they would have been in the like Case at the said Court on the third Tuesday in November

25.th November 1763
Read and Assented to by the Lower House of Assembly
Signed ꝑ.r Order
MMacnemara Clk Lo Ho:

On behalf of the Right Honourable the Lord Proprietary of this Province I will this be a Law
Hor.o Sharpe

The Great Seal
in Wax appendant

25.th Novem.r 1763
Read and Assented to by the Upper House of Assembly
Signed ꝑ.r Order
JRoss Clk Up Ho.

I do hereby Certify that Reverdy Ghiselin Clerk of the Provincial Court and Secretary's Office of the Province of Maryland this Day personally appeared before Me the Subscriber one of the Right Honourable the Lord Propry of the Province of Maryland aforesaid his Council of State and made Oath on the Holy Evangels of Almighty God that he carefully examined all the Laws contained in this Book from folio 430 to folio 530 with the Original Acts that passed the Great Seal.

Sworn to this 6th Day of May Anno Dom̃. 1766

Henry Hooper

SEAL

The Seal of the Provincial Court is hereto affixed on behalf of Daniel Dulany Esquire Deputy Secretary of Maryland

ꝑ Reverdy Ghiselin Cl Secy's Office &
Prov.l Court.

APPENDIX

APPENDIX

I

THE 1762 SUPPLY OR ASSESSMENT BILL

[The £45,000 Supply Bill for His Majesty's Service, or the Assessment Bill as it was commonly called, after it had been passed by the Lower House at the 1762 session, was rejected in the Upper House, as had been eight similar supply bills during the preceding five years. The bill was not entered in the journal of either house of Assembly, and the only recorded copy of it is to be found in the form of a very rare contemporary pamphlet, of which only two examples are known to exist, printed by Jonas Green by order of the Lower House, which on April 20th, 1762, directed the printing of the Assessment Bill "together with the several messages relative thereto" (p. 148). It is reprinted here from the copy in the Maryland Historical Society. It appears in the form of a quarto pamphlet of sixty-four pages. The title page and messages between the two houses compose the first ten numbered pages of this pamphlet. Then follows the address of the Upper House to Governor Sharpe on four unnumbered pages. Following this is the Assessment Bill itself on pages numbered 11 to 59. It would appear that the Upper House address to Sharpe without pagination was inserted as a part of the pamphlet after the messages between the two houses and the bill itself had been printed by order of the Lower House. It would be interesting to know whether this was done without the knowledge and approval of the Lower House.—Editor's Note.]

A Bill for raising a Supply for His Majesty's Service: Which was framed by the Lower House of Assembly of the Province of Maryland, at a session held at the city of Annapolis, in March 1762, and rejected by the Upper House. To which is prefixed all the messages which passed between the two Houses, relating thereto. Printed Pamphlet. Md.Hist.Soc p. [1]

Publishd by authority, for the perusal of the inhabitants.

Annapolis: Printed by Jonas Green, Printer to the Province. MDCCLXII.

Printed Pamphlet. Md.Hist.Soc. p. 3 A Message from the Lower to the Upper House, on the 9th of April 1762, accompanying the Supply Bill, which was then sent up.

May it please your Honours,

To answer the Royal Expectations, communicated to us by his Excellency the Governor at the Opening of this Session, we have framed and passed the Bill which goes to your Honours with this Message [*The message which begins thus is also printed in full in the Lower House journal p. 114*]

pp. 3-4 A Message from the Upper to the Lower House, on the 13th of April 1762, accompanying the Supply Bill, which was then sent down with a Negative.

By the Upper House of Assembly, 13th April, 1762.

Gentlemen,

Extremely desirous that his Majesty's Requisitions, signified to us at the Opening of this Session, should be complied with, we cannot but lament that while you, on your Parts, express the same Inclination, you have offered us such a Bill for raising the Supplies, as you must have been satisfied this House would never agree to: [*The message which begins thus is also printed in full in the Upper House journal pp 25-26*]

pp. 4-6 A Message from the Lower to the Upper House, on the 15th of April.

By the Lower House of Assembly.

May it please your Honours,

Your Message of the 13th Instant, is Matter of real Concern to us, as it deprives us of all Hopes, for the present, of coming to an Agreement with your Honours, about the Manner of raising Supplies for his Majesty's service, [*The message which begins thus is also printed in full in the Lower House journal pp 127-130*]

pp. 6-10 A Message from the Upper to the Lower House, on the 24th of April.

By the Upper House of Assembly, 24th April, 1762.

Gentlemen,

Your Message of the Sixteenth Instant is of so extraordinary a Nature, both in Language and Sentiment, and so unbecoming the Representative of the People of Maryland, which, without the least Foundation, sets up for an unrivalled Zeal for his Majesty's Service, [*The message which begins thus is also printed in full in the Upper House journal pp 56-64*]

To His Excellency Horatio Sharpe, Esq; Governor and Commander in Chief, in and over the Province of Maryland. [April 24, 1762]

Printed Pamphlet. Md.Hist.Soc. [4 pages unnumbered]

The Humble Address of the Upper House of Assembly.

May it please your Excellency, That you may be able to judge of the present Disposition of the Majority of those who have been chosen, by the people of this Province, to represent them in Assembly, or rather, of the few Gentlemen, by whose Opinion that Majority seems to be directed, and that you may know how little Probability there is, of the Business being done, for which the Assembly was, at this Time convened, we take the Liberty to present to your Excellency, a Copy of a Message, which was brought us the 16th of this Month, from the Lower House [*The message which begins thus is also printed in full in the Upper House journal, pp. 41-46.*]

An Act for granting a Supply of Forty Five Thousand Pounds for his Majesty's Service, and for defraying the Expenses heretofore incurred for the Defence and Security of the Frontier Inhabitants of this Province, and for other Purposes therein mentioned; and for raising the same by an equal Assessment upon all Estates, real and personal, and lucrative Offices and Employments.

p. 11 We, his Majesty's most dutiful and loyal Subjects, the Representatives of the Freeman of the Province of Maryland, in Assembly convened, taking into our serious Consideration the Expenses necessary for his Majesty's Service, and which have been incurred for the Defence and Security of the Frontier Inhabitants of this Province, have, for those Ends and Purposes, and other good Ends and Purposes mentioned in this Act, chearfully and unanimously Given and Granted, and by this Act to Give and Grant for the Ends and Purposes aforesaid, the several and respective Rates and Assessments hereafter mentioned: And do humbly Pray that it may be Enacted.

II. And be it Enacted by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That Bills of Credit to the Value of Forty Five Thousand Pounds Current Money of America, according to an Act of Parliament made in the Sixth Year of the Reign of the late Queen Anne, for ascertaining the Rates of foreign Coins in the Plantations, shall be Printed, Stamped and Struck off, with all convenient Speed, on good Single Paper, under the Care and Directions of the Commissioners or Trustees for emitting the Bills of Credit established by Act of Assembly, for the Time being, in Manner and Form following: "This Indented Bill of shall pass Current for the Sum p. 12 herein mentioned, in all Payments, according to the Directions of an Act of Assembly of Maryland. Dated in Annapolis the Day of Anno Domini ": And shall be of

Printed Pamphlet. Md.Hist.Soc. the several and respective Denominations following, and no other, to wit, Sixteen Thousand Bills of Twenty Shillings each, Sixteen Thousand Bills of Fifteen Shillings each, Sixteen Thousand Bills of Ten Shillings each, Sixteen Thousand Bills of Five Shillings each, Eighteen Thousand One Hundred Eighty-two Bills of Two Shillings and Six-pence each, Eighteen Thousand One Hundred Eighty-two Bills of One Shilling and Six-pence each, Eighteen Thousand One Hundred Eighty-one Bills of One Shilling each, Eighteen Thousand One Hundred Eighty-two Bills of Six-pence each. And the Sum of Money that each and every of the said Bills is to pass for, shall be Printed at the Top of such Bill, in Words at Length, and the said Bills of Credit shall be Stamped and Struck off, as near as may be, with the same Stamps and Marks, with which the last Emission of Bills of Credit were Stamped and struck off, but shall be printed with such different Types, and shall be Stamped and struck off by Transposition of the said Stamps and Marks, in such Manner, as the said Commissioners or Trustees shall direct, and the said Stamps and Marks shall, by the said Commissioners or Trustees, be delivered out of their Office to the Printer, who shall be employed to Print the said Bills of Credit for that Purpose; and the said Bills of Credit so Printed, Stamped and Struck off, the said Commissioners or Trustees shall carry to, and deposite in their Office; and the same, as soon as conveniently may be, shall Sign, Date and Number, beginning each Denomination of Bills, at Number One. And the said Commissioners or Trustees are hereby directed and Required to use their best Care and Diligence, that the said Bills of Credit, according to their respective Denominations aforesaid, and according to the Manner and Form aforesaid, be forthwith Printed, and made ready for Emission, and that the Number thereof be not exceeded, or any clandestine or fraudulent Practice used by the said Printer, his Servants, or Others concerned therein.

III. And be it further Enacted, That the Printer who shall or may be employed in Printing, Stamping and Striking off the Blank Bills of Credit aforesaid, and all his Apprentices and Servants, which he shall any Way employ in the said Work, shall, before he or they begin or enter upon the same, take, before some Justice of the Provincial or County Court, the following Oath, to wit, "I A. B. do Swear, that I will truly, faithfully and honestly perform my Duty of Printer, agreeable to the Directions of an Act of Assembly of this Province, entituled, An Act for granting a Supply of Forty Five Thousand Pounds for his Majesty's Service, and for defraying the Expences heretofore p.13 incurred for the Defence and Security of the Frontier Inhabitants of this Province, and for other Purposes therein mentioned. And for raising the same by an equal Assessment upon all Estates, real and personal, and lucrative Offices and Employments. And will not advisedly Print, Stamp or Strike off any greater Number of Blank Bills of Credit, or of any other Denomination, than by that Act is directed: So help me God."

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IV. And if such Printer, his Servant, or Apprentice, shall advisedly Print, Stamp or Strike off any greater or larger Number of the Blank Bills aforesaid, or of any other Denomination than by this Act is limited and expressed, and be thereof legally convicted in any Court of Record within this Province, such Printer, Servant, or Apprentice, shall suffer as in Case of wilful and corrupt Perjury; and the said Printer shall furthermore forfeit and pay the Sum of Five Hundred Pounds Current Money, to be recovered and applied as herein after directed.

V. And be it further Enacted, That the said Printer, shall not, by himself, Servant, or any other Person by him employed, presume to Print, Stamp or Strike off the said Bills of Credit, or any of them, but in the Presence of one or more of the Commissioners or Trustees aforesaid, who are hereby required and directed to be present, and when all the said Bills of Credit shall be Printed, Stamped and Struck off, as aforesaid, all the Stamps and Marks by which such impression may be made, shall be delivered by the said Printer to the said Commissioners or Trustees, under the Penalty of Five Hundred Pounds Current Money, to be recovered and applied as herein directed. And the said Commissioners or Trustees are hereby required and directed to receive the said Stamps and Marks into their Possession, and the same safely to keep in their Office, under the Penalty of Five Hundred Pounds Current Money, to be recovered and applied as herein after directed.

VI. And be it further Enacted, That the said Commissioners or Trustees, after the said Bills of Credit are Printed, Stamped and Struck off, and by them Signed, Dated and Numbered, according to the Directions of this Act, shall deposite and keep them in one of the Iron Chests, now in the Paper Currency Office; and each Commissioner or Trustee shall keep a Key, to the End that no Bills of Credit which shall be signed, may be taken out or disposed of, but by or in the Presence of all the Commissioners or Trustees; which Chest shall be by them kept in the Repository built for the present Paper Currency. And the said Commissioners or Trustees are hereby impowered and directed to issue and pay out the said Bills of Credit to the Agents, and other Persons, herein after appointed to demand and receive the same.

VII. And be it further Enacted, that the said Commissioners or Trustees shall, out of the said Bills of Credit, pay to the said Printer for providing Materials for, and Printing, Stamping and Striking off the said Bills of Credit amounting to Forty Five Thousand Pounds, and doing and performing every Service by Virtue of this Act by him to be performed, the Sum of Two Hundred Pounds, and no more.

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Printed Pamphlet. Md.Hist.Soc. VIII. And be it further Enacted, That any Person or Persons who shall counterfeit any of the said Bills of Credit, or shall after the Sum expressed in any of the said Bills, or who shall utter or offer, or cause to be uttered or offered, in Payment, any such counterfeit or altered Bill or Bills, knowing the same to be counterfeit or altered, or who shall be aiding or abetting any of the said Offenders, and shall be thereof convicted by due Course of Law, or stand mute, or peremptorily challenge above the Number of Twenty, shall suffer Death as a Felon or Felons, without Benefit of Clergy, and all Magistrates and others, into whose Hands any such counterfeited or altered Bills may happen to come shall forthwith deliver the same to one of the Commissioners or Trustees aforesaid, who shall cause the Name of those that delivered them, and the Person from whom they were taken, to be endorsed on the Back thereof; which Bills shall be safely kept in the said Office, and be forth coming when there may be Occasion thereof.

IX. And be it further Enacted, That the said Commissioners or Trustees, before they enter upon the Execution of their Trust, under this Act, shall each of them severally enter into Bond, with sufficient Sureties, jointly and severally, before one of the Provincial Treasurers for the Time being, in the Penalty of Four Thousand Pounds Current Money, payable to the said Lord Proprietary, for the Observance and faithful Discharge of the Trust hereby reposed in them. And the said Treasurers shall immediately cause the said Bonds to be proved by the Witnesses thereto, before one Provincial Justice, who shall forthwith endorse the Probate of the same Witnesses on the Back thereof, and deliver the same to the Clerk of the Provincial Court, with a further Endorsement under his Hand requiring the said Clerk immediately to record among the Land Records of his Office, the said Bond, Probate, and Order; which he is hereby required to do as soon as may be after the Receipt thereof, and the same immediately after the recording aforesaid, with a proper Certificate thereof endorsed, to deliver to the Register of the Chancery Court, to be by him safely kept in the Chancery Office; and an attested Copy of the said Bond and Probate from the said Provincial Records, in Case the Orginal be lost or destroyed, shall be as good Evidence in Law to maintain an Action of Debt for the Breach of the Condition thereof, to all Intents and Purposes, as it
p. 15 the said Bond or Bonds were actually produced and proved in Court. And the said Commissioners or Trustees shall also, before they enter upon the Execution of their Trust aforesaid, take the following Oath before some Provincial Justice, (who is hereby impowered and required to administer the same) to wit, "I A. B. do Swear, that I will, according to the best of my Skill and Knowledge, faithfully, impartially, and truly demean myself, in Discharge of the Trust committed to me by an Act of General Assembly of this Province, entituled, An Act for granting a Supply of Forty Five Thousand Pounds for his Majesty's Service, and for defraying the Expenses heretofore in-

curred for the Defence and Security of the Frontier Inhabitants of this Province, and for other Purposes therein mentioned: And for raising the same by an equal assessment upon all Estates, real and personal, and lucrative Offices and Employments, according to the Purport and Tenor of the said Act, so that none may be prejudiced by my Consent, Privity, or Procurement: So help me God." Printed Pamphlet. Md.Hist.Soc.

X. And be it further Enacted, That the said Commissioners or Trustees shall keep fair, separate, distinct and regular Accounts, as well of the Bills of Credit which they shall Sign, Emit and Issue as aforesaid, as of the Money and Bills of Credit, which they shall receive and pay, pursuant to this Act, and of all other their Proceedings in Consequence thereof; which several Accounts and Proceedings, a Committee of both Houses of Assembly shall be appointed every Session to inspect and examine. And the said Commissioners or Trustees are hereby required and obliged to lay such Accounts as aforesaid, and a full and fair State of their Proceedings, before such Committee, to the End they may be satisfied, that the Sums, for which Bills of Credit are directed by this Act to be Issued, are not exceeded; and may be fully acquainted from Time to Time, with the State of the whole Transactions and Affairs relating to the said Office, and of the Management and Behaviour of the said Commissioners or Trustees. And the said Committee shall every Session Report to the General Assembly, the State and Condition of the said Office, and the Conduct and Behaviour of the said Commissioners or Trustees to the End that any Corruption or Mismanagement may be timely guarded against and prevented.

XI. And be it further Enacted, That the Clerk, for the Time being, to the Commissioners or Trustees aforesaid, shall keep the Books of Accounts of all their Transactions, and of all their Proceedings, in Virtue of this Act; for which, and for every other Service incident to his Office, in Virtue of this Act, he shall have the Sum of Ten Pounds Current Money, per Annum, and no more, to be paid by the said Commissioners or Trustees in the said Bills of Credit. But, before he shall enter upon the Execution of his said p. 16
Office, he shall take an Oath before some Justice of the Peace of this Province (who is hereby impowered and required to administer the same) in these Words: "I A. B. do Swear, that I will truly and faithfully perform and execute the Office and Duty that is directed and required of me, as Clerk to the Commissioners or Trustees for emitting the Bills of Credit, established by Act of Assembly, by a Law of this Province, entituled, An Act for granting a Supply of Forty Five Thousand Pounds, for his Majesty's Service, and for defraying the Expences heretofore incurred for the Defence and Security of the Frontier Inhabitants of this Province, and for other Purposes therein mentioned: And for raising the same by an equal Assessment upon all Estates, real and personal, and lucrative Offices

Printed Pamphlet. Md.Hist.Soc. and Employments. And I will, as far as in me lies, keep just, true, and regular Accounts of all the Bills of Credit, which shall be issued and paid out of the said Office, and the Names of those to whom the same shall be paid and delivered; and also, just, true, and regular Accounts of all the Bills of Credit, and Sums of Money, which, by Virtue of the said Act, shall be paid and received, and by whom, into the said Office, and all other necessary Accounts relating to the said Bills of Credit; and true Entries make of all other Proceedings and Transactions of the said Commissioners or Trustees, relative to their Duty under the said Act, without any fraudulent Practice whatsoever: So help me God." Which Justice of the Peace, so administering such Oath, is hereby required immediately to deliver a Certificate of such Clerk's having taken such Oath to the Clerk of the Provincial Court, who shall file the same in his Office. And the said Clerk before he shall enter upon the Execution of his said Office, shall enter into Bond with two sufficient Sureties, in the Penalty of Seven Hundred Pounds Current Money, for the true and faithful Performance of his Duty, under this Act, and the said Bond shall be entered into, proved, indorsed, delivered, recorded, and deposited, in the same Manner, and in the same Office, and a Copy thereof shall be Evidence in the same Cases, as is directed in Relation to the Bonds of the Commissioners or Trustees aforesaid.

XII. And be it further Enacted, That each of the said Commissioners or Trustees, for the Time being, who shall undertake and execute the aforesaid Trust, shall be allowed for his Trouble and Service therein, for and during the Continuance of the Act for Emitting and making current Ninety Thousand Pounds Current Money of Maryland, in Bills of Credit, Ten Pounds Current Money per Annum, and no more.

XIII. And to prevent any Doubts which may arise, whether the Commissioners or Trustees for Emitting the Bills of Credit established by Act of Assembly, who may then be in Office, and their p. 17 Clerk, will have Power to proceed in the Execution of this Act, after the Expiration of the Act by which they were originally constituted; Be it Enacted by the Authority aforesaid, That after the Expiration of the said Act, the said Commissioners or Trustees shall be, and are hereby continued, and shall have Succession, Power to choose a Clerk, and full Power and Authority to act and do, in all Respects whatever, necessary for, and relative to, the Execution of this Act, until the Purposes thereof are fully answered and complied with, as if the said Act by which they were so constituted, were in full Force: And as from that Time the Business of the said Commissioners or Trustees and their Clerk will be very considerably lessened, each of the said Commissioners or Trustees shall from thence, during the Continuance of this Act, have and receive a Salary at the Rate of Eighty Pounds Current Money, per Annum, and no more, and their Clerk

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shall, during the same Time, have and receive a Salary at the Rate of Eighty Pounds Current Money per Annum, and no more.

XIV. And be it further Enacted, That the Bills of Credit that shall be Emitted by Virtue of this Act, shall be Current for and during the Continuance of this Act, and no longer, and for all that Time shall pass and be received in Payment, Satisfaction, and Discharge of all Sums of Money to be paid in Virtue of this Act, and of all such Contracts, Debts, Lawyers and Officers Fees, and Levies, and all such Bounties, Rewards, and Allowances, given and allowed by an Act of Assembly of this Province, in Money or Tobacco, and all such Fines, Forfeitures, and Penalties, settled or established in Money or Tobacco, by any Law of this Province, and all Fines and Forfeitures for Offences at Common Law; and of all such Rates, Duties, and Impositions upon the Importation or Exportation of any Goods, Wares, or Merchandizes, Servants and Slaves, (making the usual Allowance of Thirty-three Pounds Six Shillings and Eight Pence per Cent. between Sterling and Currency) and of all other Debts, of what Nature, Quality, or Degree soever, now due, or which shall hereafter arise or become due, during the Continuance of this Act, which, by the Laws of this Province, shall and may be paid in any Bills of Credit Emitted and made Current in this Province, or in Gold or Silver. The Rates, Duties, Impositions, Fines and Forfeitures, payable and imposed by the Act, for his Majesty's Service, made at a Session of Assembly, begun and held at the City of Annapolis, the 17th Day of July, One Thousand Seven Hundred and Fifty-four, and the Act for granting a Supply of Forty Thousand Pounds for his Majesty's Service, and Striking Thirty Four Thousand and Fifteen Pounds Six Shililngs thereof in Bills of Credit, and raising a Fund for sinking the same made at a Session of Assembly, begun and held at the City of Annapolis, on Monday the Twenty-third Day of February 1756, and Debts due to the Public p. 18 on the Collection thereof, and Debts due to the Commissioners or Trustees aforesaid, in their public Capacity, of Bills for Credit, Emitted or to be Emitted, on Loan excepted. And in Order the more securely to establish and keep up a Value in the said Bills of Credit, equal to that of Current Money of America, according to the Act of Parliament aforementioned, and that it may the more fully and certainly answer all the good Purposes, for which by this Act it is intended to be Emitted, Be it Enacted by the Authority aforesaid, That it shall and may be lawful for any Person or Persons, to pay and discharge all and every the Rates, Assessments, Impositions, Forfeitures and Penalties by this Act granted, assessed, or imposed, either in and by the said Bills of Credit, or the following Species of Gold and Silver coined Money, provided the same be unclipped, at the following Rates, that is to say, English, French, and Spanish Silver, at Six Shillings and Ten Pence Farthing per Ounce, and

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English, French, Spanish, and Portuguese Gold, at Five Shillings and Six Pence, per Penny Weight, any Thing in this Act contained to the contrary notwithstanding.

XV. And whereas it cannot be doubted but that many Persons will pay the Rates and Assessments aforesaid, in Gold and Silver as aforesaid; Be it Enacted, That the Commissioners or Trustees aforesaid, whenever they shall have any Gold or Silver in their Office, paid in by Virtue of this Act, shall, and they are hereby directed to, deliver out the same at the Rates aforesaid, to any Person or Persons who shall apply and tender to them to be exchanged any of the Bills of Credit by this Act emitted, to the full Value of such Bills of Credit, provided such Tender be made within the Office Hours appointed by this Act, and the said Commissioners or Trustees shall not give any undue Preference in the Exchange for Gold or Silver above directed, but shall exchange first with the Person who shall first apply.

XVI. And be it further Enacted, That the Collectors herein after appointed, and every of them shall, and they are hereby directed and required, out of any Gold or Silver, which shall then be in his or their Hands, by Virtue of this Act, to exchange such of the Bills of Credit by this Act Emitted, as shall be brought to them respectively by any Person or Persons, desiring to have the same exchanged for Gold or Silver, according to the Value of such Bills, at the Rates herein before ascertained. And in Case any Commissioner, or Trustee, or Collector, shall give any undue Preference, or refuse or neglect, to deliver out Gold or Silver, in Exchange for Bills of Credit, as herein before directed, for the Space of Twenty-four Hours, the Commissioner, or Trustee, or Collector, so offending, shall forfeit and pay to the Party grieved, the Value of one fourth p. 19 Part of the Sum so tendered to be exchanged, to be recovered with full Costs of Suit, either in a summary Way, before a single Magistrate, or in any Court of Record, as the Sum sued for may require, by Action of Debt, or on the Case, wherein no Essoin, Protection, or Wager of Law, or more than one Imparlance shall be allowed.

XVII. And be it further Enacted, That any Person or Persons rendering or offering Bills of Credit by this Act to be Emitted, or Gold or Silver, as herein before enumerated, and rated, in Discharge of any such Debts or Contracts as aforesaid, except as before excepted, or in Payment or Discharge of any such Levies, Fees, Penalties, Bounties, Rewards and Allowances, Fines, Forfeitures, Rates, Duties, and Impositions as aforesaid, except as aforesaid, shall have and receive the same Benefit and Advantage, from and by such Tender, as if such Tender was made in Gold or Silver made Current by former Laws of this Province, or Tobacco in Specie, or in Bills of Credit by Virtue of any other Act Emitted and made Current in this Province, any Law, Usage, or Custom, to the contrary, notwithstanding.

XVIII. And be it further Enacted, That if at any Time pending any Action or Suit for the Payment of Current Money, payable by Bond, Bill, Note, Account, or other Contract, except as before excepted, the Defendant shall bring into Court, where the Action or Suit shall be depending, in either the Bills of Credit by this Act emitted, or Gold or Silver, of the Species, and at the Rates aforesaid, all the principal Money and Interest due on such Bond, Bill, Note, Account, or other Contract, and all Costs which shall arise due on such Action or Suit, and shall tender the same Bills of Credit, or Gold and Silver, as aforesaid, and Costs aforesaid, upon such Tender, the Defendant or Defendants, in any such Action or Suit, shall be by the said Court absolutely discharged therefrom. Printed Pamphlet. Md.Hist.Soc.

XIX. And be it further Enacted, That upon Application during the Continuance of this Act to the Commissioners or Trustees aforesaid, by any Person or Persons, having any of the Bills of Credit, by this Act to be Emitted or made Current, which are torn or defaced, and not fit to pass, to have the same Changed, it shall and may be lawful to and for the said Commissioners or Trustees, and they are hereby required, without Fee or Reward, in lieu of such torn and defaced Bill or Bills, to deliver unto such Person or Persons any Bills of Credit, or Gold and Silver, which may be received and paid into the said Office, in Virtue of this Act, for the same Value for which such torn or defaced Bill or Bills shall pass Current at the Time of such Application.

XX. And be it further Enacted, That the said Commissioners or Trustees, shall keep safe and retain in their Office, all torn and defaced Bills of Credit, by them taken in as aforesaid, and also all such Sums of Money in Bills of Credit, as they shall receive by Virtue p. 20 of this Act, except such Part thereof as shall be delivered out in Exchange for torn and defaced Bills, as aforesaid, until the then next Meeting of Assembly, and then shall burn and destroy the same, before the Committee which shall be appointed to inspect the Accounts and Proceedings of the said Office, and so from Meeting to Meeting, until they have destroyed the full Sum of Forty Five Thousand Pounds.

XXI. And to the End that no Person may complain of Want of Opportunities to pay in the Monies, required by the several Laws of this Province to be paid to the said Commissioners or Trustees, for Emitting the Bills of Credit established by Act of Assembly, or to exchange Bills of Credit, as herein before directed; Be it Enacted, That the said Commissioners or Trustees shall, and they are hereby strictly enjoined and required to attend their Office, for the Dispatch of Business, on the Wednesdays and Thursdays of every Week (the usual Holidays of Christmas excepted) from the Hour of Ten to Twelve in the Forenoon, and from Two to Four in the Afternoon.

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XXII. And be it further Enacted, That Part of the Bills of Credit by this Act before directed to be Emitted, made Current, and Paid out, as aforesaid, shall be, and is hereby appropriated to the Uses and Purposes hereafter mentioned, that is to say, The Sum of Seven Thousand One Hundred and Eighty-six Pounds Current Money, or so much thereof as may be necessary to the reimbursing the Crown for the Money advanced in the Year One Thousand Seven Hundred and Fifty-eight, by General Forbes, for the Payment of Part of the Arrears due for the Pay, Victualling and Cloathing of the Five Hundred Men, taken into the Pay of this Province, by Virtue of an Act, entituled, An Act for his Majesty's Service, and the more immediate Defence and Protection of the Frontier Inhabitants of this Province, from the Time the Money appropriated by the said Act, was expended, until the Time when they were by him taken into his Majesty's Service, and for the Money by him advanced, for the Pay and Cloathing of the said Men, from the Time when they were so taken into his Majesty's Service, until the End of the Campaign in the Year One Thousand Seven Hundred and Fifty-eight; and the Sum of Six Thousand Eight Hundred and Fourteen Pounds, of so much thereof as may be necessary, to the Payment of the Residue and Remainder of the Arrears that may be due after the Payment aforesaid, for the Pay and Subsistence of so many of the said Men as shall apear to have been employed in the Service of this Province, from the Time the Money appropriated by the said Act for those Purposes, was expended, until the Time when they were taken into p. 21 his Majesty's Service, as aforesaid, by Muster-Rolls, to be returned as by the Act aforesaid is directed, to the Persons herein after appointed, and to the Pay and Cloathing of so many of the said Men as shall, by Muster-Rolls to be returned to the said Persons, appear to have been taken into and employed in his Majesty's Service, by General Forbes, from the aforesaid Time when they were by him taken into his Majesty's Service, to the End of the Campaign in the Year One Thousand Seven Hundred and Fifty-eight; and such Sum as shall be necessary to the Payment of what may appear to be due for the Pay and Subsistence of the said Men, from the End of the Campaign in the Year One Thousand Seven Hundred and Fifty-eight, during the Time they shall appear by Muster-Rolls to be returned as last aforesaid, to have been in the Service of this Province, until they were disbanded, discharged, or had Leave of Absence from the said Service: Or to the reimbursing the Crown for such Sum or Sums of Money, as shall hereafter be properly made appear to have been paid by any Person or Persons, by Order, or on Behalf of the Crown, for or on Account of the Arrears, Pay, Cloathing and Subsistence of the Five Hundred Men aforesaid.

XXIII. And whereas, by Letters from the Right Honourable the Earl of Egremont, one of his Majesty's Principal Secretaries of

State, and his Excellency Sir Jeffery Amherst, Commander in Chief of his Majesty's Forces in North-America, it appears that our most gracious Sovereign has nothing so much at Heart, as to secure and improve the great and important Advantages gained since the Commencement of this War in North-America, and having seen his good Dispositions to restore the public Tranquility entirely frustrated, thinks nothing can so effectually contribute to the great and essential Object of reducing the Enemy to the Necessity of accepting a Peace, on Terms of Glory and Advantage to his Majesty's Crown, and beneficial, in particular, to his Subjects in America, as his being enabled to employ, as immediately as may be, such Part of the Regular Forces in North-America, as may be adequate to some great and important Enterprize against the Enemy: His Majesty therefore has required of this Province, as large a Body of Men to be raised, with all possible Dispatch, as the Number and Situation of its Inhabitants may allow; and as his Majesty has been pleased to signify, that the whole he requires, is the Levying, Cloathing and Pay of the Men so to be raised, and that no Encouragement may be wanting to the fullest Exertion of our Force, strong Recommendations will also be made to Parliament in their Sessions next Year, to grant a proper Compensation for such Expences as may be incurred thereby, according as our active Vigour and strenuous Efforts may justly appear to merit: In order therefore, to answer his Majesty's Royal Expectations, we do pray that it may be Enacted.

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XXIV. And be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That the Sum of Fourteen Thousand Six Hundred and thirteen Pounds, or as much thereof as may be necessary, shall be applied to the Levying, Cloathing and Paying of Four Hundred Men, Officers included, to be employed in North-America, under the supreme Command of his Excellency General Amherst, or any other Person duly authorized, in such Manner as he shall judge most conducive to the said important Purposes of defending this Part of his Majesty's Dominions, and securing the Possession of his Conquests in North-America, until the Frst Day of April, in the Year of our Lord One Thousand Seven Hundred and Sixty-three, and no longer, unless his Majesty's Commander in Chief, or other Person properly authorised, shall think fit to dismiss the said Men, or any Part of them, before that Time, which said Men shall be paid by Muster-Rolls, to be taken and returned in the same Manner as is used and practised among his Majesty's Regular Forces, after the following Rates; That is to say, To four Captains, each having the Command of Ninety-nine Men (Officers included) Ten Shillings per Day; To eight Lieutenants, each Six p. 22

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Shillings and Eight Pence per Day: To Four Ensigns, each Five Shillings per Day: To Sixteen Serjeants, each One Shilling and Six Pence per Day: To Sixteen Corporals, each One Shilling and Two Pence per Day: To Four Drummers, each One Shilling and Two Pence per Day; To Three Hundred and Forty-eight private Men, able bodied, and fit for Service, Nine Pence per Day: To a Surgeon, Seven Shillings and Six Pence per Day: To a Surgeon's Mate, Four Shillings per Day.

XXV. And be it Enacted, That all and every the Officers and Soldiers aforesaid, shall, whilst in the Pay of this Province, by Virtue of this Act, be liable to martial Law and Discipline, in like Manner, to all Intents and Purposes, as the British Forces are by the Statute Laws of Great-Britain, now in Force.

XXVI. And whereas the better to facilitate this important Service, his Majesty has been graciously pleased to leave it to his Excellency Horatio Sharpe, Esq; Governor and Commander in Chief in and over this Province, to issue Commissions to such Gentlemen of this Province, as he shall judge from their Weight and Credit with the People, and their Zeal for the Publick Service, may be best disposed and enabled to quicken and effectuate the speedy Levying of the greatest Number of Men; Be it therefore Enacted by the Authority, Advice and Consent aforesaid, That it shall and may be p. 23 lawful for the said Horatio Sharpe, Esq; or the Governor or Commander in Chief of this Province, for the Time being, to issue so many Commissions to such Gentlemen as aforesaid, as may be necessary for the Enlisting and Raising Three Hundred and Eighty-four private Men: And the Agents herein after appointed, are hereby required to deliver to the Persons who shall be impowered to Enlist and Raise the said Men as aforesaid, such Sums of Money as the Governor or Commander in Chief of this Province, for the Time being, shall direct, by Order under his Hand, to be by the said Persons expended in Bounties for Enlisting Men as aforesaid, at the Rate of Eight Pounds per Man, and Twenty Shillings to the Officer as a Reward for Enlisting each Man, so as the said Sums to be delivered by the said Agents exceed not, in the Whole, the Sum of Three Thousand Four Hundred and Fifty-six Pounds. And the said Agents, before they shall deliver any Money to the said Persons, so to be employed in Enlisting and Raising any of the Men to be taken into, and supported in the Pay of this Province, under and by Virtue of this Act, shall take Bonds from such Persons respectively, with proper Security, payable to the Right Honourable the Lord Proprietary of this Province, obliging them to account for such Monies as to them shall be delivered for the Purposes aforesaid, as herein after directed, and to re-deliver to the said Agents, any Part of the said Monies that may remain in their Hands unapplied to the Uses aforesaid.

XXVII. And be it further Enacted, That the said Persons so to be impowered to Enlist and Raise Men as aforesaid, shall, and they are hereby enjoined and required to account with the Agents aforesaid, by the Expiration of three Months from the End of this Session of Assembly, for all such Monies at the Time of such Accounting, shall be by them expended in the Uses aforesaid, and shall then deliver unto the said Agents, Receipts from the Men by them respectively Enlisted, for all such Bounty-Money as they shall claim Allowance for, on such Accounting, and by the First Day of December next, shall in like Manner account with the said Agents, and deliver in Receipts as aforesaid, for all such Sums of Money as they shall then claim Allowance for, on such their Accounting, and the Remainder of the said Sums then in their Hands respectively, they shall then pay to the said Agents, to be by them applied to the other Purposes of this Act, if Occasion be; but the said Agents shall not allow to any Persons impowered to Enlist and Raise Men as aforesaid, in any such Settlement as aforesaid, for the Bounty-Money for Enlisting and Raising any Men (unless in Case of Death, or actual Desertion, to be made appear to the Satisfaction of such Agents) until he shall produce a Certificate from some Person impowered by his Excellency the Governor, or Commander in Chief of this Province, for the Time being that such Man was able-bodied, and fit for the Service aforesaid, and has past Muster at Some Place, and before some Person, for that Purpose appointed, nor shall they allow more than at the Rate of Eight Pounds per Man, for the whole Number of Men to be Enlisted by any one Person to be commissioned as aforesaid, and Twenty Shillings per Man, to such Person as a Reward for Enlisting the said Men.

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XXVIII. And whereas by other Letters from the Right Honourable the Earl of Egremont, and Sir Jeffery Amherst, his Majesty's Pleasure has been signified, that this Province should furnish Levy Money for raising Eighty-four effective Men, for compleating the Regular Corps serving in America; being therefore desirous to comply with this Royal Requisition, it is humbly prayed that it may be Enacted; And be it Enacted by the Authority, Advice, and Consent aforesaid, That a Sum not exceeding Seven Hundred and Fifty-six Pounds, shall be, and is hereby appropriated to the Raising Eighty-four effective Men, for the Purpose aforesaid, and the Commissioners or Trustees aforesaid, are hereby required to deliver out the said Sum, or so much thereof as may be necessary, to the Persons herein appointed to call for and receive the same.

XXIX. And in Order to encourage good and effective Men to enter into the Service aforesaid, Be it further Enacted, That there shall be paid to each able-bodied Man, not under the Age of Eighteen, nor above the Age of Forty Years, who shall be received by the Officer, or Person, who shall be properly authorised to receive the

Printed Pamphlet. Md.Hist.Soc. Men aforesaid, the Sum of Eight Pounds Current Money, over and above the Encouragement given by his Majesty. And the better to enable and encourage the Officers who may be employed in Enlisting the said Men, to be expeditious in doing their Duty, there shall be allowed to each Officer, who may be authorised for that Purpose, the Sum of Twenty Shillings for each Man, able-bodied, and of the Age aforesaid, which he shall Enlist.

XXX. And be it further Enacted, That it shall and may be lawful for the Governor and Commander in Chief of this Province, for the Time being, to issue Commissions for raising the said Eighty-four Men, and the Agents aforesaid, are hereby impowered and required to draw out of the Office aforesaid, the said Sum of Seven Hundred and Fifty-six Pounds, and deliver out the same, to be expended, to the Officers who shall be appointed to levy and raise the said Men; and the said Money shall be by the said Officers disposed of, and accounted for, and the Remainder thereof, if any there should be in the Hands of the said Agents or Officers, shall be disposed of, and the Whole accounted for by the said Agents, in like Manner, on the like Conditions, by the same Times, and under
p. 25 the like Penalties, as is directed, required, or imposed, relative to the aforesaid Four Hundred Men, which are to be raised and supported by this Province as herein before directed.

XXXI. And to prevent any Abuses or Impositions by Public House-Keepers, in whose House any Soldier may be quartered or billeted; Be it Enacted, That no Public House-Keeper, at any Time before the First Day of April, in the Year One Thousand Seven Hundred and Sixty-three, shall charge to, or receive from, any Officer under the Degree of a Captain, or private Soldier, quartered or billeted in his, or her House, more than the following Rates, viz. For a Commission Officer, under the Degree of a Captain, for his Lodging, and Diet of such good and wholsome Food as is usually provided by Ordinary-Keepers in this Province, with small Beer or Cyder, the Sum of One Shilling and Six-pence Current Money per Diem; and for a private Soldier, for his Lodging and Diet as aforesaid, with small Beer or Cyder, the sum of One Shilling per Diem.

XXXII. And be it further Enacted, That if any Person shall, from and after the End of this Session of Assembly, before the First Day of April, in the Year One Thousand Seven Hundred and Sixty-three, harbour, conceal or assist, any Deserter from the Service aforesaid, knowing him to be such, or shall knowingly buy, or exchange, or otherwise receive, any Cloaths, Arms, or Military Accoutrements, from any Soldier, or Deserter from his Majesty's Service, or the Service of any of his Colonies in America, the Person so offending shall forfeit for such Offence, the Sum of Ten Pounds Current Money.

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XXXIII. And be it further Enacted, That every Person, who, after his Discharge from the said Service, shall produce to the County Court where he shall reside, a Certificate from his Commanding Officer of his good Behaviour therein, and that at the Time of his Enlistment he was able-bodied, and fit for the Service (which Certificate the Clerk of the same Court shall record without Fee or Reward) shall be exempted from the Payment of all manner of Taxes or Levies whatever; as also from the labouring on Highways, and from Payment of Ferriages, for the Space of three Years next after the producing such Discharge or Certificate.

XXXIV. And for the Encouragement of such able-bodied Men as shall venture their Lives in his Majesty's Service, under this Act, and shall happen to be Maimed, or rendered incapable to get a Livelihood for themselves, or Families, Be it Enacted, That every able-bodied Person who shall adventure as aforesaid, and shall happen to be Maimed, or receive Hurt, in such Service, so as to be incapable of getting a Livelihood as aforesaid, shall, according to his Disability, receive a yearly Pension, to be raised out of the Public Levy of this Province, during the Time of such Disability; the Party petitioning for such Pension, or Allowance, producing p. 26 a Certificate to the County Court where he shall reside, from his Commanding Officer, of his being an able-bodied Person at the Time of his Enlistment, and fit for the Service, how long he may have been in such Service, of his good Behaviour therein, and for what Cause discharged (which Certificate the Clerk of the same Court shall record ex Officio) and likewise producing from the said Court a Certificate to the General Assembly, that he is an Object of Charity, and deserves to have such Pension and Allowance.

XXXV. And be it further Enacted, That Mr. William Murdock, and Mr. Nicholas Maccubbin, shall be, and are hereby appointed Agents, for paying all Sums of Money due for the Pay and Subsistence of so many of the Five Hundred Men, taken into the Pay of this Province, by Virtue of an Act, entituled, An Act for his Majesty's Service, and the more immediate Defence and Protection of the Frontier Inhabitants of this Province, as shall appear to have been employed in the Service of this Province, by Muster-Rolls to be returned upon Oath to the Agents aforesaid, from the Time the Money appropriated by the said Act for that Purpose, was expended, until the Time they were taken into his Majesty's Service by General Forbes; and for paying all Sums of Money due for the Pay and Cloathing of so many of the said Men, as shall appear by Muster-Rolls, to be returned as aforesaid, to have been employed in the said Service, from the Time aforesaid, to the End of the Campaign in the Year One Thousand Seven Hundred and Fifty-eight; and also all Charges and Expences that may accrue in Raising, Cloathing, and Paying the aforesaid Four Hundred Men, Officers included; and

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XXXVI. And be it further Enacted, That the Agents aforesaid shall, and they are hereby required to pay to the Order or Orders of any Person or Persons, properly authorized to receive the same, indorsed on the Receipts of the several Officers of the said Five Hundred Men, to whom General Forbes may have advanced Money, for Pay, Cloathing, and other Necessaries for the said Men, any Sum or Sums of Money, not exceeding in the Whole, Three Thousand Pounds Current Money of this Province.

XXXVII. And the said Agents, on the Order or Orders of the said Person or Persons appointed to receive the same, indorsed on the Receipt or Receipts of Doctor David Ross, for any Sum or Sums, not exceeding in the Whole, the Sum of Two Thousand Seven Hundred Pounds Fifteen Shillings and Eight-pence Sterling, which Sum was advanced by General Forbes to the said Doctor David Ross, towards victualling the aforesaid Five Hundred Men, shall pay off
p. 27 such Order or Orders, in the Bills of Credit aforesaid, at the Current Exchange, at the Time of Payment.

XXXVIII. Provided always, and be it Enacted, That the Agents aforesaid, shall not pay out any Monies for, or on Account of the Pay, Subsistence, Cloathing, or any other Necessaries whatever, found, provided, or advanced for, or on Account of the said Five Hundred Men, or any Part of them, except what is herein before directed to be paid to the Order of the Person or Persons aforesaid, before they shall have clear, fair and particular Accounts laid before them by the said Officers, and the said Doctor David Ross, of the Application and Disbursements of the said Sums of Money, so as aforesaid to them respectively advanced by his Excellency General Forbes, and of all their Claims of every Kind whatsoever, against this Province, on Account of the said Five Hundred Men, and shall carefully have inspected, examined and adjusted, such Claims and Accounts, agreeable to the Rates, Wages and Allowances, given and made by the Act of Assembly, by which the said Five Hundred Men were taken into the Pay of this Province; nor shall the said Agents pay to the said Officers, or any of the said Men, or the said Doctor David Ross, any greater or larger Sum or Sums of Money, than shall or may appear to be due to them respectively, deducting the said Sums so advanced by General Forbes as aforesaid, out of their respective Claims aforesaid, after being adjusted, as aforesaid.

XXXIX. And be it further Enacted, That if it shall properly be made appear, that the Residue of the Money due for, or on Account of the Pay, Subsistence and Cloathing of the said Five Hundred Men, or any Part thereof, has been paid by any Person or Persons.

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by Order, or on Behalf of the Crown, that then the said Agents shall, and are hereby required to pay to the Order or Orders of any Person or Persons, properly authorised to receive the same, indorsed on the Receipts of the said several Persons to whom the same was due, or the Receipts of their Agents, or Attorneys, any Sum or Sums of Money, that shall appear to the said Agents, on the Adjustment of the Accounts aforesaid, to have been due and paid as aforesaid. And the said Agents are hereby impowered by Order of his Excellency Horatio Sharpe, Esq; or the Governor or Commander in Chief of this Province, for the Time being, as the same may become wanting, for the Purposes for which they are intended by this Act, to call for, demand and receive, from the Commissioners or Trustees for Emitting the Bills of Credit, established by Act of Assembly, any Part of the said Six Thousand Eight Hundred and Fourteen Pounds, or any Part of the said Fourteen Thousand Six Hundred and Thirteen Pounds, as also any other Sum or Sums of Money which they are directed to pay, lay out, or expend, by Virtue of this Act, and lay p. 28
out and apply the same for the Purposes for which they are respectively by this Act intended; which said Sums of Money, or any Part thereof, the said Commissioners or Trustees shall, and they are hereby obliged and required, immediately on Demand, and such Order being produced, to pay the said Agents, and regular Accounts thereof keep; and the Receipts of the said Agents, or either of them, in case of Sickness or Inability of the other, shall be, for the said Payments, good and sufficient Vouchers.

XL. And be it further Enacted, That before the said Agents, or either of them, shall enter upon any Part of his or their Duty in Virtue of this Act, or shall receive any Money by this Act appointed to be paid to them, they and each of them shall take the several Oaths, directed and appointed by Act of Assembly to be taken to the Government, subscribe the Oath of Abjuration, and repeat and subscribe the Test, before some Justice of the Peace, who is hereby impowered to administer the same; and shall enter into Bond before Two Provincial Magistrates, with good and sufficient Securities, jointly and severally, to the Right Honourable the Lord Proprietary of this Province, each in the Sum of Six Thousand Pounds Current Money, with Condition to the said Bond in the following Form, viz. The Condition of the above Obligation is such, That if the said
shall and do at all Times, so long as he shall continue in the Office of Agent, for the Purposes mentioned and directed in the Act of Assembly, entituled, An Act for Granting a Supply of Forty Five Thousand Pounds for his Majesty's Service, and for defraying the Expences heretofore incurred for the Defence and Security of the Frontier Inhabitants of this Province, and for other Purposes therein mentioned; and for raising the same by an equal Assessment upon all Estates real and personal, and lucrative Offices and Employments,

Printed Pamphlet. Md.Hist.Soc. well and faithfully perform and execute the Duty and Trust repossed in him by the said Act, and do, from Time to Time, render to the General Assembly of this Province true, just, regular and perfect Accounts of his Transactions and Proceedings in Virtue of the same Act, and of the several and respective Sums of Money by him received from the Commissioners or Trustees, for Emitting the Bills of Credit, established by Act of Assembly, and how and for what Particulars the same are laid out and disposed of, as the General Assembly of this Province shall direct, then the said Obligation to be void, else to be and remain in full Force and Virtue.

XLI. And be it further Enacted, That in Case of the Death of the said Agents, or either of them, or their or either of their Refusal to execute the Trust aforesaid, it shall and may be lawful to and for the said Horatio Sharpe, Esq; or the Governor or Commander in Chief of this Province, for the Time being by Warrant p. 29 under his Hand, to appoint one or more fit Person or Persons, to be Agent or Agents, in the Stead of such Agent or Agents so dying or refusing as aforesaid, who shall have all the Powers and Authorities by this Act given to the Agents before nominated and appointed, having first given Bond and qualified as before directed; which Bond shall be proved, indorsed, recorded, transmitted and kept as aforesaid, and an attested Copy thereof as aforesaid, shall be Evidence as aforesaid.

XLII. And be it further Enacted, That the said Agents shall, and they are hereby directed and required, to keep fair, distinct and regular Accounts of all such Sums of Money as they shall receive in virtue of this Act, and how the same have been paid, applied and expended, and the same shall deliver in compleat, and upon Oath, on or before the Third Day of every Meeting, to the General Assembly of this Province. And the said Agents, for their Trouble in executing and performing their Duty by this Act required, shall and may retain in their Hands, a Commission of One per Cent. and no more, on all such Sums of Money as they shall receive, apply and expend, as aforesaid.

XLIII. And whereas it is just and reasonable, that the several Persons who have been burthened with the Expence of Quartering those of his Majesty's Troops that have been ordered into this Province for Winter-Quarters, should be paid their reasonable Claims: Be it therefore Enacted, That a Sum not exceeding Three Thousand Pounds, out of the Sum of Forty Five Thousand Pounds, granted as aforesaid, be applied to the discharging the reasonable Claims of such Persons as have been burthened with the Expense of Quartering as aforesaid, which shall be laid before, and allowed by, the General Assembly of this Province.

XLIV. And whereas many of the Inhabitants of this Province have marched from several of the Counties of this Province, to the

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Frontiers thereof, since the March of General Braddock from Frederick-Town in Frederick County, for the Protection of the Frontier Inhabitants, and Garrisoning his Majesty's Forts in this Province: And whereas also several of the Inhabitants of this Province have been put to great Expenses in supplying and conveying Provisions and other Necessaries for the Use of the said Men: And it is thought proper, at this Time, that those Persons who have marched to the Frontiers, for the Purposes aforesaid, should be paid for their Services, and that those who have been put to Expences in supplying and conveying Provisions and other Necessaries for the Use of the said Men, should be paid and satisfied for the same: Be it therefore Enacted, That a Sum not exceeding Six Thousand Pounds, or so much thereof as may be necessary, out of the Sum of Forty Five Thousand Pounds, granted as aforesaid be applied to the discharging the reasonable Claims of such Persons as have p. 30 marched to the Frontiers for the Purposes aforesaid, or have been put to Expences in supplying or conveying Provisions, or other Necessaries, for the Use of the Men aforesaid, which shall be laid before the General Assembly of this Province, within Twelve Months from the End of this Session, and allowed by the said General Assembly.

XLV. And whereas it is represented to this General Assembly, that it will be for his Majesty's Service, that there should be a good Waggon Road cleared through this Province, from Fort Frederick to Fort Cumberland: Be it therefore Enacted, That the Sum of Two Hundred and Fifty Pounds, or so much thereof as may be necessary, shall be applied to the defraying the Expence of clearing and making the said Road: And the Agents herein before mentioned, shall be, and are hereby enabled to contract with some Person or Persons, to clear, and make a good Waggon Road from Fort Frederick to Fort Cumberland, through the Grounds most convenient, in the Judgment of the said Agents, and to make what Bridges and Causeways may be necessary, on the said Road, for the Conveniency of Waggons, for any Sum not exceeding Two Hundred and Fifty Pounds; and upon the said Road's being compleated, agreeable to such Contract, to pay the Sum contracted for, to the Contractor or Contractors, or their Order: And the Person or Persons, who shall contract for the clearing, and making the said Road, are hereby authorized to clear the same, and cut down any Wood or Timber, other than such as is fit for Clapboards, that may be necessary for building Bridges, and making Causeways as aforesaid, and they are hereby indemnified for so doing.

XLVI. And for returning into the Office of the Commissioners or Trustees for Emitting the Bills of Credit, established by Act of Assembly, the said Sum of Forty Five Thousand Pounds, in Order to be sunk and destroyed as before directed, Be it Enacted, by the

Printed Pamphlet. Md.Hist.Soc. Authority, Advice, and Consent aforesaid, That the several following Articles, and none other of personal Estate, being the Property of any Person or Persons, Bodies Politick or Corporate, within this Province, or in any of his Majesty's Plantations in America, shall be liable to Taxation, for the Purposes in this Act mentioned, to wit, All ready Money and Plate, and Sterling Money in Great-Britain, white Servants, Negroes and other Slaves, Horses, black Cattle, Sheep, Hogs, Tobacco, and Pig and Bar-Iron in Hand, or shipped to Great-Britain, and all Coaches, Chariots, Chaises, and such like Wheel Carriages, and all Ships, Brigs, Snows, and other Topsail Vessels, Sloops, Schooners, Shallops, Boats and Flats, and all Ferry-Boats and Scows, and all such of the following Articles as any p. 31 Person or Persons shall have in his, her, or their Possession for Sale, or which shall be then sent to Market, and for which the Value is not received, to wit, Wheat, Country-made Linen, Hemp, Cordage of all Kinds, Bread and Flour, Indian Corn, Oats, Barley, Flax Seed, Rye and Flax, Beef, Pork, Tar, Pitch and Turpentine, Staves and Heading, Plank and Shingles, new Carts and Waggons, Country-made Shoes, and Leather and Saddles, all wrought or unwrought Plate, in the Hands of Silver Smiths for Sale, and all other Country Manufactures in the Hands of the Manufacturer of every Kind in their Way of Trade respectively for Sale, also of Merchandize, or Stock in Trade, as herein after directed to be given Lists or Accounts of, and that all and every Person or Persons, Bodies Politick or Corporate within this Province, having any such personal Estate, as before herein enumerated, within this Province, or without, either in his, her, or their own Right, or in Trust for the Use of any other Person or Persons, shall yield and pay for three Years successively to the respective Collectors appointed by this Act, the Sum of Five Shillings for every One Hundred Pounds of ready Money, and for every One Hundred Pounds Worth of any other of the personal Estate before enumerated, and after that Rate for a greater or less Sum, to be estimated at the ready Money Price by the Assessors herein after mentioned, who are hereby impowered and required, to estimate and assess the same, at the Rate aforesaid, and the said Sum so assessed, shall be levied and collected in Manner herein after mentioned, and that all and every Person or Persons, ecclesiastical or civil, within this Province, having or exercising any Benefice, Publick Office or Employment of Profit, and all and every their Clerks, Agents, Substitutes, Deputies, Registers, and other inferior Ministers whatsoever (hired Clerks who do not act by Commission, in respect of the Wages they receive for their Hire only, and such Military Officers as shall be in his Majesty's Army, or in the Pay of this Province, in respect of such Military Employment, only excepted) shall yield and pay, to the respective Collectors aforesaid, for three Years successively, One Shilling for every Twenty Shillings of the clear annual Amount of the Profit of such Benefice; Office or Employment; and that all and every Person or Persons within this Province, having any Annuity, Pension, Stipend, or other yearly Payment, payable, or secured to be paid, by any Person or Persons whatsoever, within this Province (except such as are issued out of any Lands, Tenements or Hereditaments, or chargeable upon the same, touching which other Directions are given by this Act) shall yield and pay for three Years successively, to the respective Collectors aforesaid, the Sum of One Shilling for every Twenty Shillings, or the Value thereof, in any Species or Commodities whatsoever, which he, she or they, do receive in one Year, by Virtue of every such Annuity, Stipend, Pension, or yearly Payment respectively. Printed Pamphlet. Md.Hist.Soc. p. 32

XLVII. And be it further Enacted, by the Authority, Advice, and Consent aforesaid, That every Person practising the Law or Physick, within this Province, every hired Clerk acting without Commission, and every Factor, Agent, or Manager Trading or using Commerce within this Province, as such, shall yield and pay for three Years successively, to the respective Collectors aforesaid, the Sum of Eight Pence, for every Twenty Shillings of the clear annual Amount of the Profit of such Practice, Wages, or Factorage, all which Sum and Sums of Money as aforesaid to be paid, shall be assessed by the said Assessors, and levied, collected and paid, as herein is directed.

XLVIII. And be it further Enacted, That the several and respective Assessors of every District or Division shall, and are hereby required, yearly and every Year, during the Continuance of this Act, within the Time allowed them by this Act, for making and bringing in their Assessment to the Commissioners aforesaid, repair in Person to the Dwelling-House of every Person inhabiting, or residing within their respective Districts, and there demand of the master, Mistress, Dame or Overseer, or other chief Person of the Family in the said House residing, a true List under the Hand of such Master, Mistress, Dame or Overseer, or other chief Person, of all the several Articles of personal Estate herein before enumerated, which he, she, or they were possessed of, either in his, her, or their own Right, or in Trust for any other, or of which he, she or they had the Care or Superintendency, either in the said District, or out of the Province as aforesaid, on the Fourteenth Day of October, in the Year next preceeding such Demand, with the Weight of all the Plate, such Person then had, and of the clear annual Value of any public Office, Benefice or Employment, Annuity, Pension, Stipend, or other yearly Payment, which such Person shall be then invested with, or shall be entitled to receive, and also of the clear annual Profits which such Person shall make by the Practice of the Law, or Physick, or as an hired Clerk as aforesaid, by his Commissions, or Wages, as Factor, Agent, or Manager, within this Province; in which List shall be expressed

Printed Pamphlet. Md.Hist.Soc. the Names, and as near as may be, the Ages of all the Negroes, or other Slaves: And the said List so to be demanded, shall be made in Writing by the said Master, Mistress, Dame, Overseer, or other chief Person, on the said Fourteenth Day of October, yearly and every Year, during the Continuance of this Act, and shall be kept at his, her or their usual Place of Abode, ready to be delivered to the Assessor or Assessors, who shall apply for the same, according to the Direction of this Act. And if any Person or Persons whatever, shall neglect or refuse to give in to the said Assessors, such p. 33 List or Account, so demanded, or to shew his, her, or their Property in the said List or Account mentioned, with all reasonable Expedition and Convenience, he, she or they shall forfeit and pay the Sum of Twenty Pounds Current Money. And in such Case the said Assessors shall proceed to assess and tax the whole personal Estate, Stock in Trade, Benefice, Office or Employment, Annuity, Pension, Stipend, or other yearly Payment, Practice of the Law, or Physick, Clerk's Wages, or Factor's Wages, or Commissions of such Person or Persons so neglecting or refusing, according to the best of their Judgment and Discretion. Provided always, That when any Person or Persons, shall have any Stock of Horses, black Cattle, Sheep or Hogs, usually ranging in the Woods, so that they cannot, without great Trouble and Delay, shew the same to the Assessors aforesaid, such Person or Persons, shall make and keep ready as aforesaid, a particular List or Account of such his Stock, specifying as near as may be, their Kinds and Ages, and Plight and Condition, and upon such List or Account, the said Assessors shall assess such Person for such Horses, black Cattle, Sheep and Hogs, at such Value as in their Judgment shall appear to be right. And if such Person or Persons, so giving in such List, shall wilfully conceal any Part of his, her, or their personal Estate as aforesaid enumerated, or any Part of his, or their annual Profits, arising from his, or their Benefice, Office or Employment, Income, Salary or Allowance, Annuity, Pension, Stipend, or other yearly Payment, Practice, Wages or Factorages as aforesaid, he or they so offending, shall forfeit and pay the full Value of the ready Money and Plate, and one fourth Part of the full Value of the other personal Estate, annual Profits, Income, Salary, or Allowance, so concealed, to be recovered and applied as herein after directed.

XLIX. Provided always, That no Person or Persons shall be assessed for, or obliged to give in to the said Assessors, in such List, an Account of any Sum or Sums of Tobacco or ready Money, arising from any Salary, Perquisites, Payments or Allowances, Fees, Wages or Commissions in Virtue of any Benefice, Office or Employment, Annuity, Pension, Stipend, or other yearly Payment, Practice of Law, or Physick, Clerkship or Factorage as aforesaid, the Profits of which shall be then given in for Assessment.

L. Provided also, That no Person or Persons shall be assessed for, or obliged to give in any Tobacco, Corn, Wheat, Oats, Rye or Barley, or other Growth or Produce of his, her or their Lands, of the then present Year, or any Money arising from the Sale thereof, any Thing herein before contained to the contrary notwithstanding. Printed Pamphlet. Md.Hist.Soc.

LI. Provided also, That no Owner or Owners, Proprietor or Proprietors, Manager or Managers of any Furnace, Forge, or other Iron-Work, shall be assessed for, or obliged to give Account of any Pig or Bar-Iron, being the Produce of such Furnace, Forge, or other Iron-Work, for Twelve Months next preceding the making such List or Account, or any Money arising from the Sale thereof, any Thing herein before contained to the contrary notwithstanding. p. 34

LII. And be it further Enacted, by the Authority, Advice, and Consent aforesaid, That after the said Assessors have so taken Lists of, and from, and assessed thereby, the several Inhabitants, or Residents of their respective Districts, they shall, and are hereby required within the Time for bringing in their Assessments, to return to the Commissioners aforesaid, a fair Certificate of their Assessment, containing the Names and Surnames of the several Inhabitants and Residents aforesaid of their respective Districts, and the Sums upon them assessed for their real Estates, herein after directed to be valued and rated, and personal Estates herein before enumerated, Stock in Trade, Benefices and lucrative Offices and Employments, Annuities, Pensions, Stipends, or other yearly Payments, Practices of Law, or Physick, Wages as hired Clerks, or Wages or Commissions as Factors, Agents or Managers, therein distinguishing how much each Person shall be assessed for the several Articles last before enumerated respectively; and also the said original Lists so as aforesaid, of the said Inhabitants and Residents received, and the said Commissioners shall, and they are hereby required to make fair Duplicates of the Certificates aforesaid, and the same shall deliver, or cause to be delivered to the Collector of the County for the Time being, on or before the Tenth Day of January yearly and every Year, during the Continuance of this Act.

LIII. Provided always, That every Batchelor, or Widower, of the Age of Twenty, and not exceeding Fifty Years, not having any Child or Children, and whose real and personal Estate shall not be valued to the Sum of One Hundred Pounds, shall be assessed the sum of Five Shillings yearly, during the Continuance of this Act, in lieu of all the Assessments to be made on his said real and personal Estate in virtue of this Act.

LIV. Provided also, and it is hereby Enacted, That the said Assessors shall not assess any Person whatsoever, having three or more Children, and whose whole Estate, real and personal, is not valued to Fifty Pounds Current Money, or who shall at the Time, receive a charitable Bounty or Allowance in the Publick or County

Printed Pamphlet. Md.Hist.Soc. Levy in this Province, but shall nevertheless return in their Certificates of Assessments, the Names of all such Persons, any Thing herein contained to the contrary notwithstanding.

LV. And where as there are great Quantities of Land within this Province uncultivated, and yielding no present annual Profit, which nevertheless are daily greatly increasing in Value, and would readily p. 35 sell for considerable Sums of Money, and it is therefore thought just and reasonable, that such Lands should be charged with a Pound-rate, in the same Manner that cultivated and improved Lands are, Be it therefore Enacted, That all and every the Messuages, Manors, Lands and Tenements, and also all Mines of Lead, Copper, Iron, and other Mines, and all Furnaces and Forges, and other Iron-Works, all Mills, and all Annuities, and other yearly Profits issuing out of Lands, and all Hereditaments of what Nature or Kind soever they be, situate, lying, or being within this Province, shall be, and are hereby charged for three Years successively with the Sum of One Shilling for every Twenty Shillings of the yearly Value thereof, and so after that Rate for every greater or less Value; and that such yearly Value shall be settled and ascertained by the Assessors hereafter mentioned, after the Rate of One Shilling for every Twenty Shillings that the Fee-Simple of such Messuages, Manors, Lands, Tenements, and other the Premises, or such other Estate as the Occupier or Possessor thereof shall have therein, would, in the Estimation or Judgment of the Assessors aforesaid, sell for in ready Money, that is to say, For every One Hundred Pounds that the Fee-Simple of such Messuages, Manors, Lands, Tenements, and other the Premises, or other Estate of the Occupier or Possessor therein, would, in the Estimation or Judgment of the said Assessors, sell for in ready Money, they shall be charged with the Sum of Five Shillings, and so after that Rate for every greater or less Sum, and that all and every such Person or Persons, Bodies Politick or Corporate, having or holding any Messuages, Manors, Lands, Tenements, Hereditaments, or any other the said Premises, shall yield and pay for three Years successively, to the respective Collectors appointed by this Act, the Sum of One Shilling for every Twenty Shillings of the yearly Value of the said Messuages, Manors, Lands, Tenements and Hereditaments, and other the Premises, to be settled and ascertained as aforesaid, which Sum of One Shilling for every Twenty Shillings of the yearly Value to be settled and ascertained as aforesaid, shall be assessed, levied and collected, in such Manner, as is hereafter directed. Provided always, and it is hereby Declared, That nothing herein contained, shall be construed to extend to those unhappy People, who have been, or shall hereafter be, obliged to desert their Settlements through Danger from the French, or their Indian Allies, so far as the same relates to the Rates and Assessments on the Mussuages, Lands, Tenements, or Hereditaments, which have

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been, or hereafter shall be deserted, but that they shall be exempted and discharged from the Payment of any such Rates or Assessments, on such Lands, Tenements or Hereditaments, in virtue of this Act.

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LVI. Provided also, and it is hereby Enacted and Declared, That the Tenants or Occupiers of any Messuages, Manors, Lands, Tenements, Hereditaments, or other the Premises within this Province, who hold the same by Parol-Lease only, or as Tenants at Will, or by Lease in Writing, for any Term not exceeding Seven Years, shall not be chargeable with any Pound-rate for the same, but that the respective Lessors of such Messuages, Manors, Lands, Tenements, and other the Premises, shall be chargeable with the said Pound-rate; and that the same shall be assessed, levied and collected from the respective Lessors, in the same Manner as it would have been if no such Lease or Demise had been made.

LVII. And whereas Tenants by the Courtesy, Tenants in Dower, and other Tenants for Life or Lives, as also Tenants for Term of Years, by Grant, Lease, or otherwise, for any Term of Years longer than Seven, of any Messuages, Manors, Lands, Tenements, or other Hereditaments herein before mentioned, are to be assessed only in respect of the Value of such their Estates, and it is reasonable that the Reversions or Remainders expectant or depending upon such Estates by the Courtesy, in Dower for Life or Years, should also be taxed, according to the Value of such Reversions or Remainders; Be it therefore Enacted, That all and every Person and Persons who shall be seized of any Reversion or Remainder, in Fee-Simple, or Fee-Tail, expectant or depending upon any Estate by the Courtesy, or in Dower, or upon any other Estate for Life, or for Years, by Grant, Lease, or otherwise for Term of Years longer than Seven, upon which Estate for Life or Years no Rent shall be reserved, shall be charged and assessed with the Pound-rate aforesaid, upon the Value of such Reversion or Remainder, as the same would, in the Estimation of the said Assessors, sell for in ready Money. And in case, where Rent shall be reserved upon the Creation of any such Estate for Life or Years, the Person or Persons seized of such Reversions and Remainders, shall be charged with the Pound-rate aforesaid, upon the Rents so reserved, as the annual Value of such Estate, and not otherwise.

LVIII. And whereas for the Support of the common Cause against his Majesty's Enemies, and the Defence and Security of this Province, it is reasonable and just, that the Estate of the Right Honourable the Lord Proprietary within this Province, should be taxed in equal Proportion with the Estates of the good People thereof, Be it therefore Enacted. That his Lordship's Agent, or Receiver General here, for the Time being, shall on or before the Twenty-fifth Day of September, which shall be in the Year of our Lord One Thousand Seven Hundred and Sixty-three, and so on the Twenty-fifth Day

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of September thereafter, yearly and every Year, during the Continuance of this Act, deliver to the Commissioners or Trustees, for Emitting the Bills of Credit, Emitted by Act of Assembly, a fair Account of the nett Amount of the Receipt of Quit-Rents, and Rents of his said Lordship's Manors, and reserved Lands in this Province, for the Year, ending at Michaelmas next, before such Account delivered, and shall yearly, on or before the Twenty-fifth Day of December next after the Delivery of such Account, pay to the Commissioners or Trustees aforesaid, the Sum of One Shilling and Four-pence, in Bills of Credit to be established by this Act, or in Gold and Silver, at the Rates by this Act established, for every Twenty Shillings Sterling of such nett Amount, under the Penalty of Eight Hundred Pounds Current Money, towards drawing into the Office of the said Commissioners, and sinking the said Sum of Forty Five Thousand Pounds, which Sum of Money so paid in, the said Agent, or Receiver-General, is hereby impowered to retain out of the Monies by him received for his said Lordship.

LIX. And be it further Enacted, by and with the Authority, Advice and Consent aforesaid, That all such Parts and Portions of any Manors, belonging to, or Lands reserved for his said Lordship, as are not in Lease, shall be liable and subject to the Pound-rate aforesaid, to be ascertained as aforesaid, which said Pound-rate, the said Agent, or Receiver-General, shall, and is herby required to pay to the Commissioners or Trustees aforesaid, by the Times herein before directed for his other Payments, under the Penalty of Four Hundred Pounds Current Money.

LX. And to the End that the Assessors may know who are Tenants of the said Manors and reserved Lands, and what Part of them are unleased, Be it Enacted, by the Authority, Advice, and Consent aforesaid, That his said Lordship's Agent, or Receiver-General, for the Time being, is hereby required, under the Penalty of Two Hundred Pounds Current Money, to be recovered and applied as herein after is directed, to make out for the Commissioners by this Act appointed, of the respective Counties where any such Manors and reserved Lands do lie; Accounts of the whole Quantity of Acres contained in such Manors and reserved Lands respectively; and also particular Accounts of the Names and Sirnames of the several Tenants settled on such Manors and reserved Lands, with the Quantities of Land under Lease to each Tenant; and shall inclose the same under Covers, endorsed, For his Lordship's Service, directed to the said Commissioners respectively, and the same shall deliver, or cause to be delivered, to the Sheriff of the County where the said Agent shall reside (to be forwarded as Publick Letters are by the Laws of this Province directed to be forwarded, and under the like Penalty) on or before the last Day of August next. And for the Services by this Act required of the said Agent, he shall be paid by the Commissioners or Trustees as aforesaid, the Sum of Ten Pounds Current Money, and the said Commissioners are hereby required to deliver to the Assessors of the Districts where the said Manors or reserved Lands lie, the said Accounts for their Direction in Assessing the Parts of the said Manors or reserved Lands, in the Hands of the said Tenants, and the said unleased Parts of the same: And the said Assessors shall assess the said Tenant, for their respective Quantities of Land to them leased, with the Pound-rate aforesaid, and shall assess the said Agent with the said Pound-rate, for the Residue of the said Manors and reserved Lands, and all such Sums of Money as the said Agent shall be obliged to pay by virtue of this Act, for the said Pound-rate, he shall retain in, his Hands, out of any Monies he shall or may have in his Hands, belonging to the said Lord Proprietary. Provided always, That the said Tenants of the said Manors or reserved Lands, shall not be allowed to retain the said Pound-rate so assessed on their respective Lands, out of the Rent reserved to the said Lord Proprietary on their respective Leases. Printed Pamphlet. Md.Hist.Soc. p. 38

LXI. And be it further Enacted, That all and every Person or Persons within this Province, being indebted at the Time he, she or they shall be assessed as aforesaid, by Judgment, Mortgage, Bond, Bill, Note, Agreement, Book Debt, or by any other Ways or Means, in any Sum or Sums of Money, or Tobacco, or any Commodity whatever (Debts due for Rent and Debts due to any Person or Persons residing in Great-Britain excepted) their Heirs, Executors and Administrators, shall, for the better enabling him, her, or them, to pay and bear the Rates and Assessments herein before respectively imposed upon him, her, or them, be allowed by Virtue of this Act, after the Rate of Five Shillings for every One Hundred Pounds of all such Sum or Sums of Money, or the Value thereof In Tobacco, or any Commodity whatever, which he, or they, shall be so indebted at the Time he, she or they respectively shall be assessed, by his, her, or their respective Creditor or Creditors, out of the said Debts, so as aforesaid by him, her or them owing as aforesaid, and may, and are hereby enabled to deduct, retain and discount the same; any Agreement, Bond, Condition, Provision, or other Obligation, to the contrary in any wise notwithstanding: And all and every Person or Persons, who are, or shall be any wise entitled to such Money, Tobacco or Commodities, are hereby required to allow such Deductions, upon the Receipt of the Residue of such Money, Tobacco or Commodities as shall be due and payable to them as aforesaid. And if such Creditor, shall at any Time, accept or receive from such Debtor, Part of such his Debt or Claim, he shall and is hereby obliged, at the Time of such Receipt, to make and allow to such his Debtor, a proportionable Deduction thereon, and the said Debtors, and their Heirs, Executors and Administrators, are hereby saved harmless p. 39 from any further Payment of the said Money, Tobacco, or other

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Commodities, so as aforesaid to be deducted, as fully and amply as if the same had been paid to such Creditor, or other Person, to whom the same would otherwise have been due and payable.

LXII. And be it further Enacted, That if any Creditor or Creditors, or his, her, or their Executors, or Administrators, who are, or shall be entitled to such Money, Tobacco, or other Commodity whatever, or their respective Agents, Receivers, or Attornies, shall refuse, neglect or delay, to allow and discharge the said Money, Tobacco, or other Commodity, so as aforesaid to be deducted in the proper Account, in which the same ought to be allowed and deducted, that then, and for every such Offence, every such Person as aforesaid, shall suffer and be liable to the same Pains and Penalties as in Case of excessive Usury, to be recovered in the same Manner, and to be applied as herein after directed.

LXIII. And whereas considerable Sums of ready Money, and Quantities of other personal Estate herein before enumerated, within this Province, do and may belong to Persons residing in some other of his Majesty's Colonies, Islands or Plantations in America, either as their sole Property, or in Company with others, and as it is equitable, that towards the Defence and Security thereof, the same should be rated and assessed equally with the Property of Persons residing in this Province; Be it therefore Enacted, by the Authority aforesaid, That all such ready Money, and other personal Estate as aforesaid, shall be charged with a Pound-rate as herein before directed, in the same Manner as they might or ought to be charged by Virtue of this Act, in case the same were the Property of any Person or Persons residing within this Province, and all and every the Assessors directed to be nominated and appointed by this Act, shall, and they are hereby required by all lawful Ways and Means, to inform themselves of the Names and Sirnames of all and every the Factors, Attornies, Agents, Storekeepers or Managers, of all and every the Person and Persons residing out of this Province, having any ready Money, or other personal Estate as aforesaid, within the District or Division with which they are charged, and shall demand of such Factor, Agent, Storekeeper, or Manager, a List of all such ready Money and personal Estate under his Care and Management, and assess him therefore, in the same Manner and Proportion, and in all Respects act and do therein, as if such ready Money, and other personal Estate were the entire Property of such Factor, Attorney, Agent, Storekeeper or Manager, and such Factor, Attorney, Agent, Storekeeper or Manager, shall be subject to the same Fines and Penalties for not making and keeping ready a List of such ready p. 40 Money, and other personal Estate to be delivered to the Assessors, and for Concealment thereof, as is by this Act inflicted on Persons for not making and keeping ready Lists of, or for concealing, their own personal Property.

LXIV. Provided nevertheless, and to prevent such Person or Persons so residing out of this Province from being doubly charged, It is hereby Enacted, That if it shall appear by an authentick Certificate, or Testimonial, from the proper Officer in the Colony or Government, where the Owner or Owners of such ready Money, or other personal Estate, so rated, or assessed as aforesaid, shall reside, that the personal Estate of such Person or Persons, rated and charged as aforesaid, within this Province, had been for the same Year, rated and assessed for his Majesty's Service, and the Defence of the Country, in the Colony, Island, or Plantation, where he, or they do, or shall reside, such Person or Persons, their Factor, Attorney, Agent, Storekeeper or Manager, on producing such Testimonial or Certificate to the Commissioners of the County where he, or they were so assessed, and sufficient Proof of the Payment of such Assessment, if the same is paid, shall have, and the said Commissioners are hereby directed and impowered to give him or them an Order to the Collector of the County, to repay him or them, or to exempt him or them from Payment thereof, if not paid. Printed Pamphlet. Md.Hist.Soc.

LXV. And whereas also many Messuages, Manors, Lands and Tenements, Mines of Lead, Copper, Iron, and other Mines, Furnaces, Forges, and other Iron-works, Mills, Tolls, Annuities, and other yearly Profits and Hereditaments within this Province, do and may belong to Persons residing without the same, either as their sole Property, or in Company with others, and as it is also equitable and just, that towards the Defence and Security thereof, the same should be rated and assessed, equally with such Kind of Property belonging to Persons residing within the Province, Be it therefore Enacted, That all such Messuages, Manors, Lands, Tenements, and other the Premises shall be charged with Pound-rate, as herein before directed, in the same Manner as they might or ought to be charged by Virtue of this Act, in case the same were the Property of any Person within this Province, and all and every the Factors, Attornies, Agents or Managers of all and every such Person or Persons, having or holding any Messuages, Manors, Lands, Tenements, or other the Premises as aforesaid, shall be assessed and charged for all and every such Messuages, Manors, Lands, Tenements, and other the Premises, as shall be committed to their Care and Management, in the same Manner and Proportion, and shall in all Respects be liable and pay the said Rates and Assessments, as if the said Messuages, Manors, Lands, Tenements, and other the Premises, were the entire Property of such Factor, Attorney, Agent or Manager.

LXVI. Provided always, and be it Enacted, That where any Person or Persons, residing without this Province, and having or holding any Messuages, Lands and Tenements, and other the Premises within the same, shall have no Factor, Attorney, Agent or Manager, dwelling or residing within this Province, that then, and in every such Case, p. 41

Printed Pamphlet. Md.Hist.Soc. the Tenants and Occupiers of all such Messuages, Lands and Tenements, who hold the same, either by Parole-Lease, or as Tenants at Will, or by Lease in Writing for a Term of Years, shall be chargeable with the Pound-rate for the same, and the said Assessors shall assess them therefore, as if the same were their own Property, any Thing in this Act to the contrary notwithstanding.

LXVII. And for the more equal and effectual assessing and rating the Trading Interest of this Province, Be it further Enacted, That all and every Merchant, Shopkeeper, Trader or Dealer, within this Province, and the Factors, Attornies, Agents, Storekeepers or Managers in this Province, of any Person or Persons residing in any other of his Majesty's Colonies, Islands or Plantations in America, shall on the Fourteenth Day of October, yearly and every Year, during the Continuance of this Act, make out a true and fair List in Writing under his, her or their Hands, of all his, her or their Stock in Trade, other than Debts at that Day within this Province, or without, either in his, her, or their own Right, or as Factor, Attorney, Agent, Storekeeper or Manager as aforesaid, whether in European or West-India Goods, Vessels, Cargoes, Adventures at Sea, or otherwise, and all imported, and exportable Commodities whatsoever, for Sale or Exportation, with the prime Cost annexed thereto, in Current Money, rating the Sterling prime Cost of any of them in Currency, at the Rate of One Hundred and Thirty-three Pounds Six Shillings and Eight-pence Currency, for One Hundred Pounds Sterling, which Lists shall on the Fourteenth Day of October, yearly and every Year as aforesaid, be ready, and shall be kept at his, her or their Place of Abode, ready to be delivered to the Assessor or Assessors, who shall apply for the same, according to the Directions of this Act, under the Penalty of Forty Pounds Current Money, to be recovered and applied as herein after directed, which said Lists so given in to the Assessor or Assessors, shall be his Guide for Assessing the Pound-rate of Five Shillings for every One Hundred Pounds thereof as aforesaid, on such Stock in Trade as aforesaid, and shall be returned to the Commissioners with their Assessment, and if any Merchant, Shopkeeper, Trader, or Dealer, shall wilfully conceal any Part of his or their Stock in Trade as aforesaid, or if any Agent, Attorney, Storekeeper, or Manager as aforesaid shall wilfully conceal any Part of the Stock in Trade as aforesaid, of his Principal, by wilfully omitting the same
p. 42 in such List or Account, the Person so offending shall forfeit and pay one fourth Part of the full Value of such concealed Stock, to be recovered as herein after directed.

LXVIII. And be it further Enacted, by the Authority aforesaid, That for the better assessing, ordering, levying, and collecting the several Sums of Money, so as aforesaid limited and appointed to be paid, and for the more effectual putting this Act into Execution, the following Persons, in and for the several and respective Counties hereafter named, shall be Commissioners, That is to say, For Saint Mary's County, Messieurs John Chesly, John Eaton, Meverel Lock. Printed Pamphlet. Md.Hist.Soc.

For Kent County, Messieurs Nicholas Smith, James M'Lean, Joseph Wickes.

For Anne-Arundel County, Messieurs Thomas Sprigg, Philemon Dorsey, Gerard Hopkins.

For Calvert County, Messieurs David Arnold, James Somerville, James Weems.

For Charles County, Messieurs Bayne Smallwood, Samuel Hanson, Robert Horner.

For Somerset County, Messieurs Levin Gale, Lowther Dashield, William Turpin, Son of John.

For Talbot County, Messieurs Matthews Tilghman, Henry Hollyday, Samuel Bowman.

For Dorchester County, Messieurs Edward Tripp, Henry Steel, Robert How.

For Baltimore County, Messieurs Thomas Franklin, Joseph Taylor, William Cox.

For Cæcil County, Colonel John Vezey, Colonel Nicholas Hyland, Mr. Joseph Gilpin.

For Prince-George's County, Mr. Thomas Williams, Captain William Bowie, Mr. John Baynes.

For Queen-Anne's County, Messieurs Nathan Wright, Richard Tilghman Earle, William Helmsley.

For Worcester County, Messieurs Adam Spence, Thomas Handy, John Selby.

For Frederick County, Messieurs Samuel Richardson, Andrew Hugh, Peter Bainbridge.

Which said Commissioners, so as aforesaid nominated and appointed, shall meet together at the Court-House of each respective County, for which they are appointed Commissioners as aforesaid, on the Fourth Day of October next, or on the Day next following, and afterwards as often as it shall be necessary for putting so much of this Act in Execution, as is here by committed to their Care and Charge, and so yearly for Four Years if Occasion be; and the said Commissioners, or any Two of them, at their said yearly Meetings, shall divide their respective Counties by Hundreds, into as many Districts or Divisions as they shall think most proper and convenient for making the Assessments hereby directed; and after such Division made, shall also at their said yearly Meetings, by Warrants under their Hands and Seals, nominate and appoint Two able and skilful Freeholders and Inhabitants of each respective District or Division in their said Counties (neither of them being a Member of either House of Assembly of this Province, or Person practicing p. 43

Printed Pamphlet. Md.Hist.Soc. Law or Physick, a Provincial or County Magistrate, Clergyman, Sheriff, Coroner, Clerk of the Provincial or County Courts, Ordinary-Keeper, Mariner or Inspector) to be Assessors of all the Rates and Taxes by this Act imposed; and after such Nomination and Appointment, the said Commissioners shall enter in a Book, to be kept by them for that Purpose, the Names of the Persons nominated and appointed Assessors, and for what District or Division, within their respective Counties.

LXIX. And be it further Enacted, That the said Commissioners shall immediately after the Nomination and Appointment of the said Assessors, appoint and prefix a certain Place and Day, not exceeding Ten Days after the said Nomination and Appointment, of which Place and Day, Notice shall be given by the said Commissioners to each Assessor within Five Days after such Nomination and Appointment, for the said Assessors to appear before them, and at such their Appearance, the said Commissioners, or any Two of them, shall openly read, or cause to be read, the several Rates and Assessments in this Act mentioned, and openly declare to them how and in what Manner they ought to make their said Assessments, and in what Form their Certificates are to be returned, and how they ought to proceed in the Execution of this Act, according to the true Meaning of the same: And after such Charge given as aforesaid, the said Commissioners shall also appoint and prefix a certain Place and Day, not less than Eight Weeks, nor more than Nine next after such Charge given, for the said Assessors to appear before them, and bring in Certificates of their Assessments in Writing; which said Assessors are hereby strictly enjoined and required with all Care and Diligence to assess all and every Person and Persons dwelling and residing in the said District or Division with which they are respectively charged, and who are liable to Assessment by this Act, in respect of his, her, or their ready Money, Stock in Trade, or other personal Estate herein before enumerated, Benefices, Public Offices or Employments, Annuities, Pensions, Stipends, or other p. 44 yearly Payments, Wages or Factorages as aforesaid, according to the Directions of this Act; and also to assess all and every Person or Persons within their District or Division as aforesaid, having or holding any Messuages, Manors, Lands or Tenements, Mines of Lead, Copper, Iron, or other Mines, Furnaces, Forges, and other Iron-Works, Mills, or yearly Profits, Hereditaments, and all Rents, Annuities or Profits, issuing out of Lands (and herein directed to be assessed) with a Pound-rate of One Shilling for every Twenty Shillings of the yearly Value thereof, to be settled and ascertained as aforesaid, and so after that Rate for every greater or less yearly Value, which said Assessments shall be, by the said Assessors, particularly entered, with the Names and Sirnames of the Persons and the Sums on them so assessed, in the fair Certificates of their

Assessments, herein before directed to be returned to the Commissioners.

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LXX. And be it further Enacted, That if any Assessor, nominated or appointed by Virtue of this Act, shall make Default at the Time appointed for his Appearance, or on his Appearance shall refuse to serve, not having a lawful Excuse, to be proved by the Oath of one credible Witness, or shall neglect to return Certificates of his said Assessments to the Commissioners as aforesaid, at the Time and Place prefixed, shall for every such Neglect, Refusal, or Default, forfeit the Sum of Twenty Pounds Current Money, to be recovered and applied as herein after directed; and the said Commissioners, or any Two of them, are hereby authorised and impowered, by Warrant under their Hands and Seals, to nominate and appoint one or more Assessor or Assessors, in the Room of the Assessor or Assessors, so refusing or making Default, and to give him or them Notice as aforesaid, and every Assessor so nominated and appointed, shall be liable to the same Penalty, for every Neglect, Refusal, or Default as aforesaid, to be recovered and applied as aforesaid, and if any Assessor or Assessors so as aforesaid nominated and appointed, shall happen to die, before he or they shall have fully compleated his or their Assessment, the said Commissioners, or any Two of them, are hereby authorised and impowered, by Warrant under their Hands and Seals, to nominate and appoint one or more Assessor or Assessors, in the Room of the said Assessor or Assessors so dying, and every Assessor so as aforesaid nominated and appointed, shall before he takes upon him the Execution of the said Employment, take an Oath, or if a Quaker, his solemn Affirmation to the Effect thereof, to be administered in these Words following: You shall swear well and truly to execute the Duty of an Assessor, and to cause the Rates and Duties imposed by an Act of Assembly, entituled, An Act for granting a Supply of Forty Five Thousand Pounds for his Majesty's Service, and for defraying the Expence heretofore incurred for the Defence and Security of the Frontier Inhabitants of this Province, and for other Purposes therein mentioned; and for raising the same by an equal Assessment upon all Estates, real and personal, and lucrative Offices and Employments, to be duly and impartially assessed, according to the best of your Skill and Knowledge, and therein you shall spare no Person for Favour or Affection, nor any Person grieve for Hatred or Illwill: Which Oath any one of the Commissioners, in the County where the said Assessment is to be made, hath hereby Power to administer. p. 45

LXXI. And be it further Enacted, That the Receiver of the Quit-Rents for each County shall make out and deliver by the Fourth Day of October next, to the Commissioners of their respective Counties, true and fair Accounts from their last Debt Books, of the Names and Quantities of Acres of every Tract or Parcel of Land

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within his said County, and to whom the same, to the best of his Information, belongs or ought to be charged, making a separate Account for each Hundred in his said County, as nearly as he can judge, on Pain of forfeiting Fifty Pounds Current Money; and the said Commissioners are hereby directed and required, under the like Penalty, to deliver true and fair Copies of the respective Accounts, so by them received, to the Assessors of each respective District or Division, within their respective Counties, at the Time of their Qualification.

LXXII. And be it further Enacted, That the Collectors herein appointed shall pay to the Receivers, for delivering such Account as aforesaid, upon their producing Receipts from the respective Commissioners for the same, at any Time after the First Day appointed for Payment of the Rates herein imposed, the Sum of Forty Shillings and no more, which said Sum shall be by the said Commissioners allowed to the said Collectors on Settlement of their respective Accounts, upon their producing to them their Receipts aforesaid.

LXXIII. And be it further Enacted, That if any Person or Persons shall upon Demand, refuse or delay, to discover, or make known, to any Assessor, any of the Matters or Things for which by this Act such Person or Persons are directed to be assessed, then and in such Case, such Assessors shall assess such Person or Persons for such Matters or Things, in such Manner, as in his Opinion and Belief, shall be just, upon the best Information such Assessors shall be able to procure, relative thereto.

LXXIV. And be it further Enacted, That the Assessors of each respective District or Division, shall make and keep ready to be delivered to each other, Lists of their personal Estate as aforesaid, and each Assessor, of each respective District or Division, shall, and he is hereby required, to assess the other Assessor of the said District or Division, on his Property therein, and the said Assessors shall deliver to the Commissioners aforesaid, Certificates of such p. 46 Assessment, together with such Lists, in the same Manner and by the same Time, as is herein before directed for assessing other Persons, and making and keeping ready Lists as aforesaid, and delivering them in, together with the Certificates of Assessment aforesaid, and under the same Penalties, to be recovered and applied in the same Manner. Provided always, That no Person shall be compelled to be an Assessor of any Part of the Rates and Assessments hereby granted in any Place or Places out of the Limits of the District or Division in which he resides. Provided also, and be it Enacted, That no Person shall be capable of acting as a County Commissioner or Assessor, in the Execution of this Act, or executing any of the Powers therein contained (unless it be the Power hereby given to the said Commissioners of administering Oaths) until such Time as he shall have taken the Oaths directed and appointed to be taken to the Government, by Act of Assembly of this Province, subscribed the Oath of Abjuration, and repeated and subscribed the Test, or, if a Quaker, Affirmed to the Effect thereof, and subscribed the Test, or, if a Quaker, Affirmed to the Effect thereof, and subscribed as aforesaid; which Oaths, or Affirmation, it shall and may be lawful for any one or more of the said Commissioners to administer, and he or they are hereby required to administer the same to any other of the said Commissioners, and to the said Assessors. Provided also, That all Annuities, Stipends and Pensions, payable to any Officers, in respect of their Offices, shall be taxed and assessed where such Officers are rated and assessed for their Offices, and not elsewhere: And that all Pensions, Stipends and Annuities within this Province, not charged upon Lands, shall be charged and assessed in the District or Division where they are payable. And every Person who is or shall be rated for or in respect of any personal Estate, to him or her any Ways belonging, shall be rated at such Place where he or she shall be resident at the Time of the Execution of this Act: And if any Person, who ought to be taxed in this Province by Virtue of this Act, for or in respect of his or her personal Estate, shall at the Time of his or her Assessment, be out of this Province, such Person shall be rated therefore in such Place where he or she was last abiding in this Province. Provided, That where any Person shall have any ready Money or Plate, Goods, Wares, Merchandizes, Negroes, Stock, or other personal Estate herein before enumerated, in any District or Division, other than that wherein he or she shall be resident, or had his or her last Residence, it shall be lawful to rate and assess such Person for such ready Money or Plate, Goods, Wares and Merchandizes, Negroes, Stock, or other personal Estate, in the District or Division where the same shall be, and every Person who shall be rated and assessed, for or in respect of any Messuages, Manors, Lands or Tenements, or other the Premises, according to the former Clauses of this Act, shall be rated and assessed in the Places where such Messuages, Manors, Lands and Tenements, and other the Premises respectively do lie, and not elsewhere. Provided always, That if any Person or Persons, by Reason of his, her or their having several Mansion-Houses, or Places of Residence, or otherwise, shall be doubly charged for any personal Estates, Offices, or otherwise, by Occasion of this Act, then upon Certificate made by any Two or more of the aforesaid Commissioners for the County, of his, her, or their last personal Residence, under their Hands and Seals, of the Sum or Sums charged upon him, her, or them, and in what Capacity of Respect he, she or they were so charged, and upon Oath made of the Truth of such Certificate before the Commissioners, to whom such Certificate shall be tendered (which Oath any One of the said Commissioners is hereby impowered to administer) then the Person or Persons so doubly charged, shall, for so much as shall be certified, be discharged in every other County.

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LXXV. And for the better Discovery of personal Estates, intended by this Act to be charged, Be it further Enacted by the Authority aforesaid, That every Housholder in this Province, shall, upon Demand of the Assessors of the respective Districts or Divisions, give an Account of the Names and Qualities of such Persons as shall sojourn or lodge in their respective Houses, under the Penalty of Ten Pounds Current Money, to be recovered and applied as herein after directed.

LXXVI. And if any Person that ought to be taxed by Virtue of this Act, for or in respect of his personal Estate, shall by changing his Place of Residence, or by any other Fraud or Covin, escape from the Taxation, and not be taxed, and the same be proved before the Commissioners, or any Two of them, or before any two Justices of the Peace for the County where such Person dwelleth or resideth, at any Time within Six Months next ensuing after such Tax made, every Person that shall so escape from the Taxation and Payment, shall be charged, upon Proof thereof, at the double Value of so much as he should, or ought to have been taxed at by this Act.

LXXVII. And be it further Enacted, That if any Person or Persons shall have or hold any Messuages, Manors, Lands, Tenements, or other the Premises, by this Act chargeable with a Pound-rate, either in his own Right, or as Agent, Factor, or Manager, for another, in any other County than where he, she or they do reside, the Commissioners of the County where such Messuages, Manors, Lands, Tenements, or other the Premises as aforesaid, shall lie or be, shall, and they are hereby required to transmit an Account thereof, and the Sum of Money thereon assessed, to the Collector of the County, where the Owner, Possessor or Occupier, or Factor, Agent
p. 48 or Manager, doth reside (and a Duplicate of the same to the Commissioners of the said County) which Collector is hereby impowered to levy and collect the said Sum of Money, of and from every such Owner, Possessor or Occupier, or Agent, Factor or Manager, and account for and pay the same, in the same Manner as such Collector might or ought to do in Virtue of this Act, in Case the said Messuages, Manors, Lands, Tenements, and other the Premises, were actually lying and being in the County for which he is Collector.

LXXVIII. And be it Enacted, That the Commissioners of the respective Counties, wherein any Manor or reserved Lands of his Lordship the Lord Proprietary shall be situate or lie, shall, yearly under the Penalty of Twenty Pounds, on or before the Tenth Day of January next, after the Assessors shall have brought in to them their Certificates of Assessment, as by this Act is directed, make out a fair and particular Account from the said Certificates of the Assessment, made on such Part of such Manors or reserved Lands, as are not in Lease, and shall inclose the same Account to his Lordship's Agent, and deliver the same to the Sheriff of the respective County, indorsed, For his Lordship's Service, to be forwarded as publick Letters are, and under the like Penalty.

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LXXIX. And be it further Enacted, by the Authority aforesaid, That every Papist, or reputed Papist, in this Province, being of the Age of Eighteen Years and upwards, who shall not have taken the Oaths mentioned and required to be taken by an Act made in England, in the First Year of the Reign of King William and Queen Mary, entituled, An Act for abrogating the Oaths of Supremacy and Allegiance, and appointing other Oaths, shall yield and pay double the Sums and Rates, which, by Force and Virtue of any Clause in this Act before mentioned and contained, he or she should or ought to pay, or be charged with, to be assessed, levied, collected, answered and paid, in such Manner, my such Ways and Means, and according to such Rules and Directions, and under such Penalties and Forfeitures, as are in this Act expressed or appointed, for and concerning the above mentioned Rates and Sums. Provided nevertheless, that if any such Papist, or reputed Papist, within Forty Days next after the first Meeting of the said Commissioners, in the respective Counties where he or they ought to be taxed or assessed, according to the Intent of this present Act, shall take the said Oaths before any one or more of the said Commissioners (which Oaths the said Commissioners, or either of them, are impowered to administer) in that Case, he or they shall not be liable to be doubly assessed as aforesaid.

LXXX. And be it further Enacted, by the Authority aforesaid, That every Person, being of the Age of Eighteen Years and upwards, and being in this Province at the Time of the Execution of this p. 49 Act, who shall not before that Time have taken the Oaths mentioned and required to be taken by the said last mentioned Act, and upon Summons by Warrant under the Hands and Seals of any Two or more of the said Commissioners, shall refuse to take the said Oaths at the Time appointed in the said Warrant, or shall neglect to appear at such Time before the Commissioners, in order to take the said Oaths (which the said Commissioners, or any One of them, are hereby impowered and required to administer) shall yield and pay double the Sums and Rates, which, by Force and Virtue of any Clause in this Act before mentioned and contained, he or they should or ought to pay, or be charged with, in Manner as is before in this present Act appointed, touching Papists, or reputed Papists.

LXXXI. And be it further Enacted, That any Two or more of the Commissioners, appointed by this Act, in the respective Counties in this Province, upon Information, or upon any Cause of Suspicion in that Behalf, shall, and are hereby required and impowered to cause every Person suspected (or against whom such Information shall be given) to be summoned to appear to take the said Oaths as aforesaid. Provided nevertheless, That whereas certain Persons, Dissenters from the Church of England, commonly called Quakers, and

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also other German Protestant Dissenters, known to be such in this Province, do scruple the taking of any Oaths; it shall be sufficient for any such Persons to make and subscribe the like Declaration of Fidelity to his Majesty, as was contained in an Act made in the Parliament held in the First Year of the Reign of their late Majesties King William and Queen Mary, entituled, An Act for exempting their Majesty's Protestant Subjects, Dissenters from the Church of England, from the Penalties of certain Laws; (which Declaration any One or more of the Commissioners appointed for the executing of this Act, are hereby impowered and required to take and receive) and every such Person so doing, shall not be liable to, or chargeable with, any of the double Rates aforesaid.

LXXXII. And be it further Enacted, by the Authority aforesaid, That in all Cases where any Assessor or Assessors, who by this Act are required to make double Assessments upon Papists, or reputed Papists, or other Persons, for not taking the Oaths aforesaid, shall neglect to do his or their Duty therein, the respective Commissioners of the County where such double Assessments ought to have been made, or any Two or more of them, shall take Care, and they are hereby authorised and required, to cause such Papists, or other Persons, to be doubly charged, according to the true Intent and Meaning of this Act. Provided always, and be it Enacted, That where the Owners of any Lands, Tenements and Hereditaments, are liable p. 50 to be doubly charged as Papists, or reputed Papists, or Persons suspected by reason of their not having taken the Oaths as aforesaid, according to the true Intent of this Act, in every such Case such Owners only shall be charged with, and pay the said double Rates; and the respective Tenants of such Lands, Tenements and Hereditaments are hereby discharged of and from the same; and Covenant for Payment of Taxes, or other Agreement to the contrary notwithstanding.

LXXXIII. And be it further Enacted, by the Authority aforesaid, That where any Person or Persons, chargeable with any Rates or Assessments by this Act imposed, shall be under the Age of Twenty-one Years, then and in such Case, the Parents, Guardians or Tutors of such Infants, shall be and are hereby made liable to, and chargeable with the Payments, which such Infant ought to have made. And if such Parents, Guardians or Tutors, shall neglect or refuse to pay as aforesaid, it shall and may be lawful to proceed against them in like Manner as against other Person or Persons making Default of Payment. And all Parents, Guardians or Tutors, making Payment as aforesaid, shall be allowed all and every the Sums so paid for such Infants, upon his and their Account.

LXXXIV. Provided always, and be it Enacted, That no Stay of Prosecution, upon and Command, Warrant, Motion, Order or Direction, by non vult ulterius prosequi, shall be had, made, admitted, or allowed, by any Court whatsoever, in any Suit or Proceeding, by Action of Debt, Bill, Plaint, or Information, or otherwise, for Recovery of all or any of the Pains, Penalties or Forfeitures, upon any Person by this Act inflicted, or therein mentioned, or for or in order to the Conviction or Disability of any Person offending against this Act.

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LXXXV. And be it further Enacted, by the Authority aforesaid, That the said Commissioners, shall on the First Monday after the Tenth Day of March yearly, meet at their respective County Court-Houses, to hear and determine the Complaints of such Persons as may think themselves grieved, by being over-rated, and shall sit from Day to Day for the Space of Ten Days next following, or as often as shall be necessary, within the said Time, for hearing and determining all Appeals that may be made to them. And the said Commissioners are hereby directed to give publick and timely Notice of the Day of such their Meeting to hear and determine such Appeals, by setting up Advertisements at the Court-House, and at each Church and Chapel within their respective Counties, Ten Days at the least, before such their Time of Meeting. And if the said Commissioners shall not meet or give public Notice as aforesaid, the Commissioner or Commissioners failing therein, shall severally forfeit and pay the Sum of Twenty Pounds Current Money, to be re- p. 51 covered and applied as herein after directed. And if any Person or Persons, certified, assessed or rated, for or in respect of any Matter or Thing, for which, by this Act, he, she or they, is or may be rated or charged, do apprehend themselves grieved with such assessing or rating, and do thereof complain to the said Commissoiners, the said Commissioners, or any Two of them, shall and may at the Time of their sitting to hear Appeals as aforesaid, particularly examine any Person or Persons (other than the Party complaining) upon his or their Oath, touching the Value of such Complainants real or personal Estate, and other the Matters aforesaid, except in the Case of ready Money, in which Case the Party's own Oath shall be admitted; and upon due Examination or Knowledge thereof, abate, increase or enlarge the said Assessment, and a Copy of the same, so abated, increased, or enlarged, shall forthwith deliver, or cause to be delivered, to the Collector of their respective Counties, to be collected, levied and paid, as herein directed.

LXXXVI. And be it further Enacted, That the Clerks of the several County-Courts within this Province, shall, and they are hereby required, without Fee or Reward, to make out and deliver to the Commissioners of their respective Counties, on or before the Fourth Day of October next, Copies of the last Lists of Taxables, returned by the Constables of the several Hundreds, within their said Counties, on Pain of forfeiting Fifty Pounds Current Money, to be recovered and applied as herein after directed; which said Lists the

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said Commissioners shall deliver to the respective Assessors at the Time of their Qualification, under the like Penalty for each Neglect or Omission thereof.

LXXXVII. And be it further Enacted, That the said Commissioners, or any Two of them, are hereby required to deliver to the Sheriffs of their respective Counties, who are hereby nominated and appointed Collectors of the Rates, Duties and Assessments aforesaid, a fair Copy of the Certificates of Assessment, which shall be by the said Assessors delivered to them as aforesaid, within Thirty Days after the said Delivery, under the Penalty of Fifty Pounds Current Money for each Commissioner. And the said Collector, shall by the last Day of February next, make Demand of the several Sums charged in the said Certificate of Assessment, by delivering a Copy thereof, under his Hand, to each Person or Persons therein charged, so far as it concerns him, her or them, or leaving the same at his, her or their Habitation, or last Place of Abode, and shall proceed after such Demand, to levy, receive and collect the same, in the same Manner, and by the same Powers and Authorities by which Publick and County Levies are by Law to be levied, received and collected. Provided, That no Person or Persons shall p. 52 be any Way compelled to the Payment thereof, until the First Day of September following.

LXXXVIII. Provided also, and be it Enacted, That before the said Collectors shall execute any Part of their Duty under this Act, they shall each of them enter into Bond, before Two Justices of the Peace of their respective Counties, or One Provincial Magistrate, with good and sufficient Securities, such as the said Two Justices, or Provincial Magistrate shall approve, to the Right Honourable the Lord Proprietary of this Province, in the Sum of Three Thousand Pounds Current Money, with Condition to the said Bond in the following Form, viz. The Condition of the above Obligation is such, That if the above bounden   shall well and faithfully execute and perform the several Duties required of him by the Act of Assembly, entituled, An Act for granting a Supply of Forty Five Thousand Pounds for his Majesty's Service, and for defraying the Expenses heretofore incurred, for the Defence and Security of the Frontier Inhabitants of this Province, and for other Purposes therein mentioned; and for raising the same by an equal Assessment upon all Estates real and personal, and lucrative Offices and Employments; and shall well and truly pay to the Commissioners or Trustees for Emitting the Bills of Credit established by Act of Assembly, the several Sums of Money, which he shall receive and be answerable for in Virtue of the same Act, at such Times as by the said Act is directed, according to the true Intent and Meaning thereof, then the above Obligation to be void, else to remain in full Force and Virtue. And the said Two Justices of the Peace, or Provincial Magistrate, shall immediately cause the said Bond to be proved before them or him, by the Witnesses thereto, and shall forthwith indorse the Probate on the Back thereof, and transmit the said Bond to the Clerk of the Provincial Court, who shall immediately record the same Bond and Indorsement aforesaid, in the Provincial Land-Records; and after Entry thereof upon Record, the said Clerk shall deliver the original Bond to the Register of the Chancery Court, to be by him safely kept in the Chancery Office; and an attested Copy of the said Bond and Probat from the said Provincial Records, in Case the Original be lost or destroyed, shall be as good Evidence in Law, to maintain an Action of Debt for the Breach of the Condition thereof, to all Intents and Purposes, as if the said Bond or Bonds were actually produced and proved in Court.

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LXXXIX. And be it further Enacted, That the said respective Collectors shall pay to the Commissioners or Trustees, for Emitting the Bills of Credit established by Act of Assembly, the total Amount of the Sums charged on the said Certificates of Assessment (the Deductions and Allowances hereafter mentioned, being first made) by the Twenty-fifth Day of December thereafter. And each Collector shall appear at his respective County Court-House the First **p. 53** Monday of November, in the Year last aforesaid, and then and there lay before the respective Commissioners, a fair, clear and regular Account of his Collection of the Rates, Duties and Assessments, imposed by this Act; and the said Commissioners shall appear at the same Time and Place, under the Penalty of Fifty Pounds Current Money each Commissioner for not appearing: And they, or any Two of them, or One, in case the other Two should die, or be otherwise rendered incapable to discharge the Duties enjoined by this Act, shall immediately proceed with the Collector to settle and adjust his said Account, and shall upon such Settlement, allow to the said Collector, a Commission of Two Pounds Ten Shillings per Centum, on the Whole by him collected, or for which he or they shall judge him to be answerable, and shall not allow him for any Insolvencies or Deductions of any Part of the said Sums mentioned in the said Certificates of Assessment, except in Cases where it shall be made appear to them or him, he shall have used all lawful Ways and Means for the levying and collecting the same; a Certificate under his or their Hands and Seals, of the Ballance of which Account, so settled and adjusted, the said Commissioner or Commissioners shall, by the First Day of December, in the Year last aforesaid, inclose and endorse, For his Lordship's Service (which the said Commissioner or Commissioners are hereby impowered to do) and deliver to the Sheriffs of their respective Counties, to be by them forwarded as publick Letters are by Law directed to be forwarded, and under the like Penalty, to the Commissioners or Trustees aforesaid. And upon Failure of the Payment, above directed to be made

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by the respective Collectors, the aforesaid Commissioners or Trustees shall, and they are hereby strictly enjoined and required, immediately to put in Suit the Bond of the respective Collector, so failing in his Payment.

XC. And be it further Enacted, That all the Certificates of Assessment, which shall by the said Assessors be delivered to the said Commissioners, and all the Books of Proceedings of the said Commissioners, and the Accounts by them settled with the several Collectors, and all the Lists given in to the Assessors, by the Persons herein before mentioned, shall remain in the Hands of the said Commissioners Six Months after all the said Accounts are settled, subject to the Inspection of any reputable Inhabitant who shall desire to see the same, under the Penalty of Fifty Shillings for every Refusal of the Commissioner in whose Hands the same may happen to be at the Time of the Request made to inspect the same; and the said Commissioners shall within Five Days after the Expiration of the said Six Months, under the Penalty of Twenty Pounds Current Money, inclose and deliver the said Certificates, Books, Proceedings, p. 54 Accounts and Lists, to the Sheriff of such respective County, safely inclosed and indorsed, For his Lordship's Service, directed to the Commissioners or Trustees for Emitting the Bills of Credit established by Act of Assembly, to be by the said Sheriff forwarded as publick Letters are by the Laws of this Province directed to be forwarded, and under the like Penalty, to be recovered and applied as herein after directed. And the said Commissioners or Trustees, shall safely keep the said Certificates, Books, Proceedings, Accounts and Lists, in their Office until the next Meeting of the Assembly, and shall on the Second Day thereof, lay them before the Lower House of Assembly.

XCI. And be it Enacted, That if any of the Days prefixed by this Act, for Performance of any of the Duties hereby enjoined or required, should happen to be on a Sunday, then such Duties shall be performed on the Day following, any Thing herein to the contrary notwithstanding.

XCII. And be it further Enacted, That the Collector of each respective County, shall at the Time of Settlement of his Accounts as aforesaid, pay to each of the said Commissioners, who shall serve in the Execution of this Act, as a Salary for the full and faithful Performance of their Duty therein, Eight Shillings for each Day they shall necessarily attend in the Performance of the several Services required of them by this Act, and no more: And shall also pay to the said Commissioners, for the Use of the said Assessors, for the full and faithful Performance of their Duty under this Act, any Sum not under Four Pounds, nor exceeding Eight Pounds Current Money, for each Assessor, which the said Commissioners, or any Two of them, shall adjudge an adequate Reward, for the Service of each Assessor. And the Amount of all the Sums so paid, shall, by the said Commissioners, be allowed to the said Collector on Settlement of his Account as aforesaid, in which Accounts shall be expressed the Names of the Assessors for each District, and the Sums of Money for them respectively allowed. And the said Commissioners shall, after Receipt of the said Sums, for the Use of the said Assessors, pay the same to them, or their Orders respectively, on Demand, under the Penalty of Fifteen Pounds Current Money to the Party grieved.

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XCIII. And be it further Enacted, That every Commissioner and Assessor, who shall take upon himself the Execution of this Act, shall, for and during the Time he shall continue to act as Commissioner or Assessor, be entirely exempt and free from all Military Duty whatsoever.

XCIV. And be it further Enacted, That if any Commissioner herein before appointed for executing such Part of this Law, as relates to the Rates and Assessments therein mentioned, shall refuse to serve, not having a lawful Excuse, to be proved by the Oath of One Witness, every Commissioner so refusing, shall forfeit the Sum of One Hundred Pounds Current Money, to be recovered and applied as herein after directed. p. 55

XCV. And be it further Enacted, That in Case Two of the Persons appointed Commissioners for any of the Counties aforesaid, should die, refuse, or be otherwise rendered incapable to discharge the Duties enjoined them by this Act, then the other Commissioner shall, and he is hereby authorised and required to execute the Duties aforesaid; and the Transactions of such Commissioner shall be as valid, to all Intents and Purposes, as if no such Refusal, Death or Incapacity had happened, any Thing in this Act to the contrary notwithstanding.

XCVI. And be it further Enacted, by the Authority aforesaid, That if any Suit or Action shall be brought or prosecuted against any Person or Persons, for any Thing done, or to be done, in Pursuance of this Act, in every such Case, the Action or Suit shall be commenced within Six Months after the Fact committed, and not afterwards, and the Defendant or Defendants in any such Action or Suit, may plead the General Issue, Not Guilty, and give this Act and the special Matter in Evidence, at the Trial to be had thereupon, and that the same was done in Pursuance, and by Authority of this Act; and if it shall appear so to be done, or if any such Action or Suit shall be brought after the Time limited for bringing the same, then the Jury shall find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs shall become Nonsuit, or suffer a Discontinuance of his, her or their Action or Actions, or if a Verdict shall pass against the Plaintiff or Plaintiffs, or upon Demurrer, Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant

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or Defendants shall and may recover treble Costs, and have such Remedy for the same, as any Defendant or Defendants hath or have Costs of Suit in other Cases at Law.

XCVII. And be it further Enacted, That the several Forfeitures and Penalties mentioned in this Act, except where it is otherwise directed by this Act, shall and may be recovered, either in a summary Way before a single Magistrate, where the Penalty does not exceed Fifty Shillings, or in any Court of Record within this Province, where the Penalty does not exceed Fifty Shillings, by Action of Debt, Bill, Plaint or Information, wherein no Essoin, Protection or Wager of Law, shall be allowed, one Half thereof to the Informer, or him or them that shall sue for the same, the other Half thereof to the Commissioners or Trustees aforesaid, to be by them applied to the sinking of the aforesaid Sum of Forty Five Thousand Pounds. And that all Actions and Suits to be brought and prosecuted, for any Penalty, or Forfeiture, under this Act, shall be commenced within p. 56 Six Months after such Penalty shall be incurred, and not after, any Thing herein to the contrary notwithstanding.

XCVIII. And whereas the frequent Use of Carriages may be necessary; Be it Enacted, That from and after the End of this Session of Assembly, until the First Day of April One Thousand Seven Hundred and Sixty-three, when and as often as the Service may require the carrying of Gunpowder, Shot, Lead, Arms, Cloathing, or any Military Stores or Accoutrements whatsoever, or Provisions of any Kind, for Troops in his Majesty's Service, there shall be paid the following Rates of Carriage to the Owner or Owners of all such Carriages as shall be employed in such Service, viz. For the Hire of every Cart with Four Horses and a Driver, the Sum of Twelve Shillings Current Money per Day, and for the Hire of every Waggon, with Four Horses and a Driver, the Sum of Fifteen Shillings Current Money per Day, during the Time such Cart or Waggon shall be detained or employed in his Majesty's Service. Provided always, and it is the true Intent and Meaning of this Act, that where any Cart or Waggon shall be discharged from the Service for which they were pressed, at any Distance from the Place of Abode of the Owner thereof, that then the said Owner or Owners shall be paid for the Hire of their said Cart or Waggon after the Rate of Sixpence per Mile, for every Mile they shall be obliged to travel from the Place of their Discharge to their respective Places of Abode.

XCIX. And be it further Enacted, by the Authority aforesaid, That no Officer or Commander of any Company, or Person employing any Cart or Waggon in Virtue of this Act, shall constrain or compel the Owner or Driver of such Cart or Waggon, to travel more than Fifteen Miles in any one Day, on Pain of forfeiting the Sum of Five Pounds Current Money, to be recovered before One Provincial Justice, or Two Justices of the Peace, where the Offence shall be committed, and applied as the Fines and Forfeitures herein before are directed to be applied. Provided nevertheless, That if the Exigency of the Service should make it necessary for any Carriage, employed within this Province, in his Majesty's Service, to travel more than Fifteen Miles in one Day, then and in such Case, the Owner or Driver of such Carriage shall proceed farther, but for every Mile he shall travel that Day with the Carriage, above the Fifteen Miles, he may demand, and shall receive, the Sum of One Shilling and Fourpence per Mile, if a Waggon; and One Shilling per Mile, if a Cart; over and above the respective Sums before allowed for a Day's Hire. Printed Pamphlet. Md.Hist.Soc.

C. And be it further Enacted, That the Printer to this Province shall Print, and Stitch in blue Paper Covers, One Hundred and Sixty-eight Copies of this Act, and make them up into Fourteen Parcels, of Twelve Copies each, directed to the Commissioners named p. 57 in this Act, for the several Counties, and each Commissioner shall keep One of the said Copies for his own Use, and the others, shall, by the said Commissioners, be distributed to the Assessors that shall be nominated and appointed for the several Divisions or Districts in their respective Counties; which Parcels the Printer shall have indorsed, For his Lordship's Service, and delivered to the Sheriff of Anne Arundel County, on or before the Thirtieth Day of August next, under the Penalty of One Hundred Pounds Current Money; to be recovered and applied as herein before directed: And the several Sheriffs are hereby required to forward them, in the same Manner, as other Publick Letters are directed by Law to be forwarded, under the Penalty aforesaid.

CI. And whereas it may be necessary to make Provision for Intelligence, and other Contingencies, which it is impossible particularly to express and specify in this Act; Be it further Enacted by the Authority aforesaid, That it shall and may be lawful to and for the Governor or Commander in Chief of this Province, for the Time being, from Time to Time, during the Continuance of this Act, to draw his Order or Orders on the Agents aforesaid, for the Purpose aforesaid, for any Sum or Sums of Money, not exceeding, in the Whole, the Sum of Fifty Pounds Current Money, payable to such Person or Persons as he shall think fit; and the said Agents are hereby directed and required to pay all such Orders so as aforesaid drawn, the Governor or Commander in Chief of this Province, for the Time being, expressing in such Order, the particular Use or Purpose for which the same is, or shall be drawn.

CII. And be it further Enacted, That if by the Rates and Sums of Money, by this Act imposed for three Years successively, more Money shall be paid into the Loan-Office than shall be sufficient to sink and replace the Sums of Money, in Bills of Credit, by this Act directed to be Emitted and paid out, then all such Overplus shall be

Printed Pamphlet. Md.Hist.Soc. applied towards the Discharge of the Publick Expence of this Province, as the General Assembly of this Province shall direct; but if it shall appear upon Examination (which the said Commissioners or Trustees are hereby obliged and directed to make by the last Day of June, which shall be in the Year of our Lord One Thousand Seven Hundred and Sixty-five) that by the aforesaid Rates and Assessments to be imposed, and Sums of Money to be paid in as aforesaid, computing the Third Year's Collection to be equal to that of the averaged Amount of the First and Second, a sufficient Sum of Money for the Purposes aforesaid, will not be raised and brought in to their Office, then and in such Case, all the Parts of this Act, any Way relating to the Rates, Assessments and Sums of Money, herein before imposed, shall be, and are hereby continued for one other p. 58 Year; and the said Commissioners or Trustees shall, and they are hereby strictly enjoined and required to signify such Deficiency, by Writing, under their Hands and Seals, to the respective Commissioners appointed by this Act for each County, which Notice by Writing, the said Commissioners or Trustees shall deliver under Cover, directed to the said County Commissioners, indorsed, For his Lordship's Service, to the Sheriff of Anne-Arundel County, on or before the last Day of July, which shall be in the Year of our Lord Seventeen Hundred and Sixty-five, on Pain of forfeiting for every Neglect or Omission thereof, the Sum of Two Hundred Pounds Current Money each Commissioner, to be recovered and applied as herein before directed. And the several Sheriffs of this Province, are hereby required to forward the same as Publick Letters are by Law directed to be forwarded, on Pain of forfeiting for every Neglect or Omission thereof, the Sum of Two Hundred Pounds Current Money, to be recovered and applied as aforesaid, and the said County Commissioners shall, on Receipt of such Notice, proceed to carry this Act into Execution for one other Year, in the same Manner as is directed for the First Year; and if, after the Collection and Payment of the Rates and Sums of Money to be assessed, levied, collected and paid, for such other Year, it shall be found, that more Money is brought into the said Office, than is sufficient to replace and sink the several Sums of Money by this Act directed to be emitted and paid out, then all such Overplus shall be applied as herein before directed, in Case of an Overplus after the third Year's Collection and Payment.

CIII. And be it further Enacted, by the Authority aforesaid, That the several Persons nominated, appointed and required in this Act, and to be nominated, appointed and required yearly for Three Years, and for one other Year, if Occasion be, in Virtue thereof, to put the same in Execution, so far as it any Way relates to the assessing, levying, collecting and paying in, to the Commissioners or Trustees aforesaid, the Sums of Money thereby imposed, and to be paid in as aforesaid; and all and every Person and Persons, Bodies Politick and Corporate, any Way concerned in the making and keeping ready Lists or Accounts of their personal Property, as herein before directed, and in paying the several Sums by this Act directed to be rated, assessed and paid, shall yearly and every Year, after the first, for and during Three Years, and for one other Year, if it shall be found necessary as aforesaid, do and perform the several Services and Duties, Matters and Things, and make the several Payments required of them respectively, on, by, and within the respective Days and Times, and at the respective Places by this Act directed, for doing, performing and making the same for the first Year, and under the like Penalties and Forfeitures, to be recovered and applied in the like Manner.

Printed Pamphlet. Md.Hist.Soc.

p. 59

CIV. Provided alway, and it is hereby Declared, That nothing herein contained shall charge, or be construed to charge, his Excellency Horatio Sharpe, Esq; or the Governor or Commander in Chief of this Province, for the Time being, with the above mentioned Duty or Payment of One Shilling in the Pound by the Year, for or in Respect of any Salary, Fees, Profits, Perquisites, or Advantages, to him arising or growing due as Governor or Commander in Chief; but that his said Excellency, and the Governor or Commander in Chief, for the Time being, in respect of the same, shall be clear from all the Taxes, Impositions, and other publick Charges, herein before imposed; any Thing in this Act contained to the contrary notwithstanding.

CV. Provided always, That if the said Sum of Forty Five Thousand Pounds shall be raised by the Ways and Means herein before mentioned and specified, and the Purposes, Intentions and Designs of this Act, be fully answered in the Space of one or two Years, or by one or two Assessments, Collections and Payments, made according to the Directions thereof, then this Act shall have no longer Duration or Continuance, but the same shall terminate and cease, any Thing herein before contained to the contrary notwithstanding.

II

LETTER FROM FREDERICK, LORD BALTIMORE, TO GOV. SHARPE, APRIL 22, 1762

[THIS LETTER, DATED FROM LONDON, APRIL 22, 1762, INFORMED SHARPE THAT THE PROPRIETARY HAD PRESENTED TO THE KING AND QUEEN THE ADDRESS OF CONDOLENCE AND CONGRATULATION OF THE GOVERNOR AND THE UPPER HOUSE OF ASSEMBLY UPON THE DEATH OF GEORGE II AND THE ACCESSION OF GEORGE III TO THE THRONE. SEE PAGES xlviii-xlix FOR A DISCUSSION OF THIS ADDRESS WHICH HAD GIVEN RISE TO A BITTER CONTROVERSY BETWEEN THE TWO HOUSES AND THE ADOPTION BY EACH HOUSE OF SEPARATE AND DIFFERENT ADDRESSES TO THE KING.]

London April 22.^{d} 1762.

MSS Archives of Md. Portfolio No. 4 No. 32G Hall of Records

To
His Excellency Horatio Sharpe
Lieutenant Governor of the Province of Maryland

Sir

Agreable to yours & the upper house of Assemblys Address to me, I have presented your Addresses to the King & Queen, w.^{ch} their Majestys were pleased to receive very graciously, & of this you will acquaint the Upper House of Assembly. I am

Sir
Your real Freind
F. Baltimore

[Endorsed on back]

Lord Baltimore dated 22^{d} April 1762 recd 13 March 1765 [sic] from Philadelphia

III

PAROCHIAL AFFAIRS

WILLIAM AND MARY PARISH AND ALL FAITHS' PARISH, ST. MARY'S COUNTY, 1763

[A petition, presented April 19, 1763, from the rector and vestrymen of William and Mary Parish, St. Mary's County, to the Assembly, praying that that part of All Faith's Parish, St. Mary's County, which under the terms of an act of Assembly passed in 1748 was to be annexed, upon the death of the Rev. John Urquhart, the then incumbent of William and Mary Parish, be immediately added to it. As the Rev. John Urquhart was still living at the time this petition was presented to the Upper House it was promptly rejected. The matter is further discussed on pages li-lii.]

MSS Archives of Md. Black Book No. 10 Letter 58 Hall of Records

To his Excellency Horatio Sharpe Esq.^{r} Governor of Maryland and the Honourable The Uper and Lower Houses of Assembly

The Petition of the Rector & Vestrymen of William and Mary Parish in S.^{t} Mary's County most humbly Sheweth

That by an Act of Assembly for the division of S^{t} Mary's County into four Parishes it was enacted that upon the Death of the Rev.^{d} M.^{r} Lawrence Debutts, the Parish of William & Mary shou'd be divided & a Part thereof be annexed to Allfaith Parish at the Death of the Rev.^{d} John Urquhart Incumbant thereof, upon the death of the Rev.^{d} M.^{r} Debutts which happined in the Year Seventeen Hundred & fifty Two the Parish of William and Mary was Accordingly Divided, but as That Part thereof that was to belong to Allfaith Parish, was not to Be annexed thereto until the Death of the Present Incumbant of That Parish, it has not been Accounted part of any Parish since that time The Sheriff haveing Yearly collected the Thirty ꝑ Poll from the Inhabitants thereof without Accounting to any Person for the same, it was Also enacted by an Act for Divideing the Parishes in S.^{t} Mary's County that a Part of Allfaith Parish shou'd be annexed to William and Mary Parish on the death of the Rev.^{d} M.^{r} John Urquhart. Your Petitioners Therefore hope that it will appear reasonable to the Honourable Assembly that our Parish (of William & Mary) be Presently Compleated by annexing thereto that Part of Allfaith Parish which will become part thereof at the death of the Rev.^{d} John Urquhart, and an equal Number of those Taxables (who at Present are not in any Parish) be imediately annexed to Allfaith Parish to which they will belong at the present Incumbant Death Wherefore Your Petitioners most humbly pray that an Act may Pass for that Purpose, as the Number of Taxables who at Present are not in any Parish (as we are Credibly inform'd) are above three Hundred, and about one Hundred will compleat Our Parish, Your Petitioners further beg leave to represent to the Assembly that by our Parish not being Compleated not only the Incumbant (has been a sufferer) but also the Proportion of the Parishoners Towards Defraying the Parish Charges has been Greater, wherefore we humbly Presume that it will appear Reasonable and Just that as much of the Thirty ꝑ Poll which the sheriffs have in Their hands Collected from those Taxables (who at Present) are not in any Parish as is equal to the amount of the Taxes of those that Compleat our Parish from the Death of the Rev.^{d} M.^{r} Lawrence Debutts to this Time, be employed for the benefit of the Parish in such manner as the Honourable Assembly shall be Pleased to Direct Your Petitioners therefore most Humbly Pray that an Act may Pass for that Purpose, or that the Hon.^{ble} Assembly will Please to grant us such Redress in the Case as they (in Their Wisdom) shall Judge most Propper, & your Petitioners will ever Pray &c,

[Churchwardens?]
Joseph Milburn
John Bisscoe

Moses Tabbs Rector.

[Vestrymen]
John Wheritt
Thomas Watts
Geo Aisquith
Tho Griffin
Rich.^{d} Milburn
Stephen Chilton

[Endorsed on back] Pet.^{o} of Rector & Vestry of W.^{m} & Mary Parish. By the Upper House of Assembly 19 Octo.^{r} 1763. Read and Rejected

Signed ꝑ Order J. Ross, Cl Up Ho

CHRIST CHURCH PARISH, KENT ISLAND, QUEEN ANNE'S COUNTY, 1763

[A PETITION, UNDATED, BUT KNOWN TO HAVE BEEN PRESENTED IN THE UPPER HOUSE OCTOBER 27, 1763, FROM THE INHABITANTS OF CHRIST CHURCH PARISH, KENT ISLAND, TO THE GOVERNOR AND ASSEMBLY, PRAYING THAT A PART OF ST. PAUL'S PARISH, KENT COUNTY, BE TAKEN OFF, AND ADDED TO CHRIST CHURCH PARISH, THUS AFFORDING A SUFFICIENT INCOME TO THE LATTER PARISH TO ENABLE IT TO SECURE A MINISTER WHO WOULD ABIDE IN THE PARISH. THE UPPER HOUSE REJECTED THIS PETITION WITHOUT EXPLANATION; SEE PAGES liii, 236].

MSS
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of Md.
Black Book
No. 10
Letter 59
Hall of
Records

To his Excellency Horatio Sharpe Esq.^{r} Governor and Commander in Chief in and over the province of Maryland and the upper and lower houses of Assembly now Conven'd. the Petition of the Inhabitants of Christs Church Parish on Kent Island in Queen Anns County most humbly sheweth, that your Petitioners has Been a long time without a Minister of the Gospel of Jesus Christ Occationed by the smallness of the parish which is a very great hardship wee labour under, on Account of Receiving the Holy Sacrament of the Lords Supper, Baptiseing Children & Visiting the sick &c

Prays that an Acct of assembly may pass to take of as much from Saint Pauls parish & add to the aforesaid Parish as will make a full Competency for a Minister of the Gospel of Jesus Christ to Abide with us as they do in other Parishes and your Petitioners in duty bound will Ever pray

Vestrymen
Tho.^{s} Barnes Jr.
Reason Rowles
John Legg
Walters
Jonathan Roberts
N.^{ie} Clouds

Ch: Warden[s]
Richard Small
John Walters

[another page]

Patt: Hamilton
Tho.^{s} Barnes
Samuel Blunt
Robert Blunt
Jacob Carter
Charles Eareckson
John Barnes
B^{en} Blunt
Henry Weedon
Isaac Winchester

Jacob Winchester
Ja.^{s} R. Blunt
Aquila Brown
Joseph Hutchings
Jn.^{o} Collier
Daniel Weedon
Robert Weedon
Tho^{s} Weedon
Rob^{t} Small
Methuselah Mead

John Carter
Benj.^{a} Legg
Ja.^{s} Walters
Benja. Kirby
Sowell Long
Henry Carter
John Coppage
Benj. Tolson
Vinson Benton
James Barnes

Wm. Baxter
Thos. Ringgold
Benj. Richardson
Morgan Brown
William Eareckson
Wm. Ringgold
Thomas Crane
William Price
Samuel Goodes
Matt Eareckson
William Horn
Benja Sudler
Ja.^{s} Sudler
John Willson
William Kirby
Geo. Marsh
Benj^{n} Walters
Laban Blunt
James Hutchings
Tobias [M]ills
Emory Sudler

IV

BONDS FOR LOANS ON LAND PUT IN SUIT BY THE LOAN OFFICE 1762-1763

[A LIST OF LAND OFFICE BONDS SECURING MORTGAGES IN DEFAULT ON LANDS WHICH WERE PUT IN SUIT SEPTEMBER 1, 1762, IN THE PROVINCIAL COURT; AND THOSE UPON WHICH SUITS WERE RENEWED AUGUST 13, 1763. THESE OVERDUE LOANS HELD BY THE LOAN OFFICE ARE DISCUSSED ON PAGES lxi-lxii.]

MSS Archives of Md. Black Book No. 9 Letter 88 Hall of Records

The following Bonds delivered M.^{r} Reverdy Ghiselin C.^{lk} of the Prov. Court to be putt in Suit, Sept.^{r} 1st 1762

Suits Principals	[Securities]	Princip.^{l} money
Joseph Chapline	Edw.^{d} Sprigg	£15.— —
George Belt	Wm. Govan	27.15. 0
George Garnet	Wm. Rasin	100.— —
Ephraim King	Nehem.^{h} King	50.— —
Joseph Hall	Sam.^{l} Harrison	66 — —
Cha. Hymon	Darius Dunn	100 — —
Edward Brown	Benj.^{n} Sadler	100.— —
James Ruck	Tho.^{s} Hungerford	58 — —
Elihu Hall	Nickel Denton	30 — —
Will^{m} Rasin	George Garnet	41 — —

1763 Aug 13 Ordered M^{r} Ghiselin to Renew the Suits on following Bonds by

Robert Brashears	Samuel Brashear Edward Sprigg	100 — —
Tho.^{s} Midleton	Zepheneah Wade Tho.^{s} Jennings	50 — —

Charles Sewel	Clement Sewell	70 — —
Nath.^{l} Wickham	John Diggs	50 — —
Nath.^{l} Whitaker	Tho.^{s} Lambden	26 — —

V

LETTER DATED MAY 13, 1762, FROM GOV. SHARPE TO THE NAVAL OFFICER OF PATUXENT

[This letter from Gov. Sharpe to the Naval Officer of Patuxent District, dated May 13, 1762, is a circular letter sent to all the officers of the customs of the Province as the result of a warning received by Sharpe from Sir Jeffrey Amherst, the British Commander in Chief for America, that the act of George II was being violated which prohibited grain and other provisions being shipped from the American Colonies, except to Great Britain and its dependencies, to prevent their reaching the enemy (*Arch. Md.* XXX, pp. 36-37). It is to be noted that John Ross, Clerk of the Council and Upper House, had been appointed Naval Officer of this district following the misappropriation of funds in 1761 by Henry Darnall, the former Naval Officer.]

Ann:^{s} 13.th May [1762]

Sir

MSS
Archives
of Md.
Black Book
No. 3
Letter 41
Hall of
Records

His Excellency S.^{r} Jeffery Amherst Commander in Chief of all the Kings Forces on this Continent having informed me that from several Papers which have fallen into his hands he has undoubted Proofs of the Enemy's having been supplied with Provisions from almost every Port in North America I think it my Duty to advise you of the Information His Majesty's General hath given me & tho I flatter myself that no such infamous Trade hath been carried on from your District & that I need not remind you how much it is your Duty to prevent it I must recommend it to you in the most earnest manner strictly to observe & Carry into Execution [the Act] of Parliament that was made in the   of His late Majesty's Reign entituled An Act to prohibit for a limitted time the Exportation of Corn Grain Meal Malt Flour Bread Biscuit Starch Beef Pork Bacon & other Victual (except Fish & Roots & Rice to be exported to any part of Europe southward of Cape Finisterre) from his Majesty's Colonies & Plantations in America unless to Great Britain or Ireland or to some of the said Colonies & Plantations &c & in Case you have reason to suspect that any Vessel loaden with provisions which hath already sailed from this Province since the War was declared, destined for & discharged her Cargo at any Port of his Majestys Enemies or that any Vessel which may be hereafter at during the War, loaden with this Province shall be destined for any such Port, I desire you will not fail to acquaint me with your Suspicious

I am S^r^
Your very humble Servant
Hort° Sharpe

Naval Officer of Patuxent
[Endorsed on back]
Council Order
13 May 1762

VI

PETITION OF JONAS GREEN, PRINTER, TO THE GOVERNOR AND ASSEMBLY, 1762

[THIS PRINTED, PETITION IN THE FORM OF A BROADSIDE PRESENTED TO THE ASSEMBLY AT ITS 1762 SESSION BY JONAS GREEN, THE PROVINCIAL PRINTER, PRAYING PAYMENT FOR THE PRINTING HE HAD DONE FOR THE PROVINCE IN RECENT YEARS, IS SELF EXPLANATORY. GREEN'S DIFFICULTIES WITH THE ASSEMBLY ARE DISCUSSED IN DETAIL ON PAGES lxxii-lxxv.]

Printed Broadside Calvert Papers No. 672 Md.Hist.Soc.

To his Excellency Horatio Sharpe, Esq; Governor and Commander in Chief, in and over the Province of Maryland; and To the Honourable the Upper and Lower Houses of Assembly of the said Province; The Petition of Jonas Green, Printer, most humbly sheweth,

That he hath resided here, in the Service of the Public, as their Printer, for 24 Years last past, and hopes to serve them as such, all the few Remainder of his Days, with his utmost Skill and Ability; That at his first coming to settle here, when the Province was quite destitute of a Press, he was induced to it, by the Promises of the Public Employ and Encouragement; and the plausible Hopes he had, in so large a Province, of a constant Employment in his Calling in those intervals when he should be employ'd on Public Business: But by some unhappy Divisions which then subsisted among the several Branches of the Legislature, he has been much disappointed in his reasonable Expectations, and suffered greatly in the carrying on his useful and expensive Art.

That his having his Salary cut off Five Pounds in each County when there happened no Session of Assembly in the Year, and his never being allowed an adequate Reward for the extra Sessions which have happened Year after Year, for each and all of which he had a great Deal of Work to do, and much Paper to use, together with his having no Allowance for the last Year, were, and are, Difficulties too heavy and expensive for him to support and labour under.

That your Petitioner has, in a printed Letter addressed to your Excellency and your Honours, set forth with strict Truth, many Particulars, relating to his Situation with the Public, (to which he humbly craves Leave to refer, as they are too prolix to emunerate in this Petition) and humbly Begs, that your Excellency and your Honours, would now be pleased to take them into your candid and compassionate Consideration, and favourably to grant him such Relief and Recompense, as to You, in your Wisdom and Judgment, shall think agreeable to his Desert, and consistent with Justice and Equity.

And your most humble Petitioner, as in Duty bound, will ever Pray, &c.

[Endorsed on back]

M.^{r} Green's Petition to the Governor & both Houses of Assembly Answ.^{d} noted in Let.^{r} to the Gov.^{r} 1.st Mar.^{r}, 1763 [handwriting of Cecelius Calvert].

VII

PETITION OF THE INHABITANTS OF CHESTERTOWN, KENT COUNTY, FOR AN ACT AUTHORIZING A TOWN MARKET AND ITS REGULATION, 1761

[THIS PETITION PRESENTED IN THE UPPER HOUSE, APRIL 21, 1761, WAS FAVORABLY ACTED UPON AT THE 1762 SESSION AND THE SOUGHT FOR LEGISLATION PASSED AT THIS SESSION. THE MATTER IS DISCUSSED IN DETAIL ON PAGES xxliii-xxliv, AND THE ACT WILL BE FOUND ON PAGES 209-211.]

MSS Archives of Md. Black Book No. 8 Letter 31 Hall of Records

To his Excellency Horatio Sharpe Esquire Governor and Commander in Chief in and over the Province of Maryland. And to the Honourable the Upper and Lower Houses of Assembly of the said Province.

The Petition of the Subscribers Inhabitants of Chester Town in Kent County in the said province. Sheweth

That by the survey of the said Town there is a Convenient square of ground laid out for a Market Place, and that the Inhabitants of the said Town have built a convenient House on the said Square for a Market House. But for as much as the said Market is under no proper Regulation, the said Inhabitants apprehend that the said Market house may be Rendered very useful to them and the Inhabitants of the said County and the adjacent County and Clandestine Cartering and Dealing with servants and Slaves prevented If the said Market was under proper Regulations.

Therefore they pray that your Excellency will take the premises under your Consideration and that an Act of Assembly may be passed for Holding a Market in the said Town at the Market House upon Wednesdays and Saturdays in every week and for the Regulation of the said Market and so forth. and they will every pray & so forth

Jam^{s} Smith
Th. Ringgold
Walter Dougherty
Hercules Coutts
Rob.^{t} Sterling
John Bordley
Jno. Williamson
Wm. Ringgold
Thos. Garnett
Tho.^{s} Marsh
R.^{d} Porter
Jno. Rouse

Jas. Anderson
Wm. Murray
Matthew Zuille
Constantine Ball
John Campbell
Samuel Rogers
Abr.^{m} Wood
James Porter
Charles Menskee
Robert Davis
George Skeen
James Claypoole

J. Bordley Jun.
Caleb Guthrey
Hugh Morrison
Rebeccah Moore
J.^{s} M^{c}Hard
John Knight
J Bolton
Robert Wood
W. Lovegrove
Thos. Kensey Sen.^{r}
Thos. Kensey Jun.^{r}
Wm. C. Kenney
Eliz^{h} Ingram
Geo. Garne[tt]
B. Hands

[next page]

Archibald Boyd
Joseph M^{c}Hard
Wm. Wright
Geo. Craig
James Roberts
Geo. Leybury
Daniel Farrel
George Perkins
So.^{lm} Jervis
Hugh M^{c}Hard
Pereg. Frisby
Robert Cruikshank

J. Nicholson Jr.
Joseph Nicholson
Jos.^{h} Hopkins
John Scott
L. Clarke
Wm. Smith
Darby Dalany

[Endorsement]

By the Upper House of Assembly 21 April 1761. Read and referred to the Consid.^{n} of the Lower House of Assembly.

Signed ꝑ order
J Ross Cl Up Ho

John Ridout Esq^{r}
No 10

VIII

PETITION FOR AN ACT TO PROMOTE THE ADVANTAGES OF THE TOWN OF SALISBURY, SOMERSET COUNTY, 1763

[This petition which was presented in the Lower House October 22, 1763, and there rejected, prayed that the Act of Assembly passed in 1732 for erecting a town at the head of Wicomico River, Somerset County, at Handy's or Carr's Landing, on fifteen acres of land laid out in twenty lots, called Salisbury, be repealed and a new act passed to be framed by the petitioners for the purpose of better promoting the advantages of the town. This matter will be found discussed on page xxxiv.]

To The Hon.^{ble} Lower House of Assembly

The Humble Petition of many Inhabitants of Somerset County, Sheweth

That on or about the Year 1732 an Act of Assembly of this province passed Entituled An Act for the Erecting a Town at the Head of Wiccomoco River in Somerset for laying into Lots fifteen Acres of Land in the Fork thereof and at the Landing commonly now called Handy's or Carr's Landing by which Twenty Lots were laid out & a Town was erected & called Salisbury

MSS Archives of Md. Black Book No. 4 Letter No. 28 Hall of Records

That although the said Town is very comodiously situated for Trade and Navigation very few Lots were taken up under the said Law it being thought insufficient through the Omission of several Clauses which are now deemed essentially necessary for many persons inclinable to purchase Lots in the said Town

That your Petitioners humbly conceive it would be of great Utility to all the Inhabitants in or near the said Town and to all persons trading to and from thence to have an Act passed by the Legislature to repeal the aforesaid Law and to have Leave given to your Petitioners to frame a new Bill particularly adapted for the Uses and purposes of the encreasing and promoting of the Advantages of the said Town

Your Petitioners therefore humbly pray that your Honours will give Leave to bring in a Bill for the purposes aforesaid

And your Petitioners in Duty bound will pray

Joseph Hitch
Charles Shockby
Peter Gordy
Eze:^{ll} Humphriss
Smith Hath

Benjamin Hitch
John Richardson
Wm. Parsons
Wm. Mills
W. M. Driskell

David Gray ?
Levin Huffington
George Collier ?
Rogger fillips
George Wilson

William Hath
Henry White
John Jinkins
Joseph Jinkins
Mathias Christopher
Thomas Cox
Elisha Parker
Ezekiel James
Isaac Crouch
George Handy
Isaac Handy
John Crouch
Stephen Roach
Jonathan Dasons
Archabald Smith
James Cathall
John Christopher
Joshua Nelms
Joshua Hitch
Richard Mills
Isaac Moor
John Hitch
Nathaniel Thrift
John Nelms
Jonathan Beech
Charles Vaughan
Joseph Leonard
Tho.^{s} Nobb
george smith
Dannil Dikes
George Short (?)
George Dish . . .
Joseph Scrogin (?)
Matt Piper
Jacob Giles
Benj.^{n} Venablies
Matt ——— (?)
James fookes
Thomas Handy
John Low
Affradazi Johnson
Isaac Tolevine (?)

John Perdue Sr
Daniel Phillips
Edward Elliss
George Dashiell
Leaven Tayler
Joseph Elliss Jr.
Stephen Elliss
Joshua Hitch
Geor: Green
Solomon Russall
John godard
John Martin
Jonathan Venson
Henry Spear
Isaac Handy
Levin Callaway
William Roach
Wm. Madux
Geo: Dasons
Geo: Dasons Jun.^{r}
James Hall
Waltar Taylor
Nehemiah Morris
Wm. Twilly
George Todvine
Elijah Hearn
Thos. Relph
Thomas Langford
Tho.^{s} Moor
George Vance
George Low
Thos. Fletcher
Joseph Ellis
John Gusston
Wm. Bennett
Thos Dishroon
George Parker
Danl Dukaney
John Adams
Thos. Gilliss
Chri. Piper
James Collins

John Anderson
George Wails
Abraham Taber (?)
William Stephens
Arnal elsey
George Stephen
Jesse Byard
Lawrence Rickcord
William Taber
Wm. Adams
Dashiell
John Wales
Rob^{t} Handy
W^{m} M.^{c}Williams
Joseph Forman
James Benson
William hath
Wm. Venables
Mitchell Realph
Jesse Pasmore
Robert Dashiell
Zadoch Turner
Joshua Sturgis

James Houston
Joshua Venables
Alextio Russell
Price Russell
Nath Collier
John Hearn
Risdon Dixon
Constant Disharoon
Isaac Dashiell
Jonathan P. Shackley
Elijah Shockley
John talbt (?)
Ebennezer Waller
William Waller
John Shockley
David Magee

IX

COMMAND OF GOV. SHARPE TO THE SHERIFF OF ANNE ARUNDEL COUNTY, JUNE 1, 1762, TO ISSUE A PROCLAMATION OF THE ACTS PASSED AT THE MARCH-APRIL, 1762, SESSION

[This command to the sheriff of Anne Arundel County, signed by Horatio Sharpe, is to be found in the form of an endorsement on the fly leaf of a copy of the 1762 session laws printed by Jonas Green].

MSS Endorsement on the fly leaf of the 1762 Session Laws printed by Jonas Green Md.Hist.Soc.

Maryland ss.t Frederick absolute Lord, and Proprietary of the Provinces of Maryland and Avalon, Lord Baron of Baltimore &c
To the Sheriff of Ann Arundel County Greeting

We Command You, that the several Acts of Assembly made at a Session of Assembly begun and held at the City of Annapolis on the 17th day of March last, here unto annexed, You immediately make, or Cause to be made due Proclamation thereof Hereof You are not to fail at your Peril Witness our trusty and well beloved Horatio Sharpe Esq.r Chancellor and Keeper of the Great Seal of Maryland this 21st Day of June Annoque Domini 1762

Hor.o Sharpe

X

LANGUISHING PRISONERS IN JAIL FOR DEBT

[The following six petitions, dated 1761-1762, to the Governor and General Assembly were from six languishing prisoners in various county jails praying relief. These prisoners were George Baker of Frederick County, Michael Risoner of Frederick County, Nathaniel Wickham of Frederick County, Henry Bozworth of Cecil County, John Smith of Cecil County, and Thomas Gage of Calvert County. The subject of imprisonment for debt at this time, and the various petitions are discussed on page lxxv.]

GEORGE BAKER

MSS Archives of Md. Black Book No. 4 Letter No. 88 Hall of Records

To his Excellency Horatio Sharp Esqr Governor of Maryland and to the upper and Lower houses of Assembly

The petition of George Baker Humbly Sheweth

that your petitioner has been for teen months past A Languishing prisoner in the goal of Fredrick County for Debt for Divers Sums of

Money & tobacco which Said Debts by Reason of Divers Losses and misfortunes he was before his Confinement Unable to pay and his Still Confinement apparently Renders him Less able yet notwithstanding your petitioner has by the Dictates of his Consience made all ye overtures to Satisfy his Creditors that was in his power to Comeply with Even to make over all his affects & Every thing he possest to them which Still they have Rejected & Do Reject your petitioner has been gilty of no fraudulent or Deceitfull practices in order to Cheate or Defraud his Creditors And Humbly prays your Excellency and Honours will take your petitioners melincholy Situation into your Serious and Charitable Consideration and grant him Relief and your petitioner Shall Ever pray

Fredrick County the 20:th Day of June 1761

We the Subscribers of Said County do Certify that the above Petitioner is and hath been a prisoner for Debt for ye time above mentioned in the goal of this County and therefore recommend him to your Excellency and Honours as an object of Charity

Th:o Beatty
Cha:s Jones
David Lynn
Tho.s Norris
Pet:r Bainbridge
Mos. Chapline

Frederick County ss.t I hereby Certify that Thomas Beatty Charles Jones David Lynn Thomas Norris Peter Bainbridge and Moses Chapline Gentlemen the within Subscribers were at the time of Subscribing and still are of his Lordships the Right Honourable the Lord Proprietarys Justices of the Peace for said County

In Testimony whereof I have hereunto set my hand & Affixed the Public Seal of the County Aforesaid this 12th day of October Anno Dom 1761.

SEAL

John Darnall Clerk

[Endorsed on back]
George Baker
Petition to the Assembly

MICHAEL RISONER

To his Excellency Horatio Sharp Esq^r Governor of Maryland and
to the Upper and Lower houses of Assembly

The petition of michal Risoner Humbly Sheweth

MSS Archives of Md. Black Book No. 4 Letter No. 85 Hall of Records

That your petitioner has Been for three year and fore Months a Languishing prisoner in the goal of Fredrick County for Debt for divers Sums of Money and tobacco which Said Debt by Reason of Divers Losses and misfortunes he was before his Confinement Unable to pay & his still Confinement must apparently Render him Less able yet notwithstanding your petitioner has By the Dictates of his Consciences made all the overtures to Satisfy his Creditors that was in his power to Comply with Even to make over all his Estate Boath Real & personall to them which they have Rejected and still Do Reject your petitioner has been Gilty of no fradulent or Deceetfull practices in order to Cheat or defraud his Creditors And Humbly prays your Excellency and Honours will take your petitioners melencholy Situation into your Serious and Charitable Consideration and Grant him Relief and your petitioner Shall Ever pray

Fredrick County the 20:th Day of June 1761

We the Subscribers of Said County do Certify that the above petitioner Michel Risoner is and hath been a prisoner for Debt for the time above mentioned in the goal of this County and therefore Recommend him to your Excellency and Honours as an object of Charity

Th:^{o} Beatty
Cha^s Jones
David Lynn
Tho.^{s} Norris
Pet.^{r} Bainbridge
Mos. Chapline

Frederick County ss.^{t} I hereby Certify that Thomas Beatty Charles Jones David Lynn Thomas Norris Peter Bainbridge and Moses Chapline Gentlemen the within Subscribers were at the time of Subscribing and still are of his Lordships the Right Honourable the Lord Proprietarys Justices of the Peace for said County

In Testimony whereof I have hereunto set my hand & Affixed the Public Seal of the County Aforesaid this 12th Day of October Anno Dom 1761.

SEAL

John Darnall Clerk

[Endorsed on back]
Michael Risoner
Petition to the Assembly

NATHANIEL WICKHAM

MSS Archives of Md. Black Book No. 4 Letter 93 Hall of Records

To his Excellency Horatio Sharp Esq.^{r} Governor of Maryland and
To The Upper and Lower Houses of Assembly

The petition of Nath.^{ll} Wickham Sen.^{r} Humbly sheweth

That your petitioner has Been for five years and Eight months a Languishing prisoner in The Goal of ffredrick County for Debt for divers Sums of Money and Tobacco which said Debts by Reason of divers Losses and misfortunes he was before his Confinement unable to pay and his Still Confinement must Apparently Render Him Less able yet notwithstanding your petitioner has by the Dictates of his Conscience made all the Overtures to Satisfy his Credetors that was in his power to Comply with Even to make over all his Estate Both Real & personall to Them which They have Rejected and still Do Reject your petitioner has Bin Gilty of no fradulent or Decetfull practices in order to Cheat or Defraud his Credetors and Humbly prays your Excellency and Honours will take your petitioners melencoly Situation into your Serious and Charitable Consideration and Grant him Releaf and your petitioner shall Ever pray

Fredrick County the 20:th Day of June 1761

We the Subscribers of Said County do Certify that the above petitioner Nath^{ll} Wickham is and hath been a prisoner for Debt the time above mention^{d} in the Goal of this County & therefore Recommend him to your Excellency & Honors as an Object of Charity

Tho:^{s} Beatty
Cha:^{s} Jones
David Lynn
Tho^{s} Norris
Pet:^{r} Bainbridge
Mos: Chapline
Tho:^{s} Prather

Frederick County ss.^{t} I hereby Certify that Thomas Beatty Charles Jones David Lynn Thomas Norris Peter Bainbridge Moses Chapline and Thomas Prather Gentlemen the within subscribers were at the time of subscribing and still are of his Lordships the Right Honourable the Lord Proprietary Justices of the Peace for said County

In Testimony whereof I have hereunto set my hand & Affixed the Public Seal of the County Aforesaid this 7th day of March Anno Dom 1762

SEAL

John Darnall Clerk

[Endorsed on back]
Nath.^{n} Wickham
Petition

HENRY BOZWORTH

MSS
Archives
of Md.
Black Book
No. 4
Letter No. 90
Hall of
Records

To his Excellency Horatio Sharpe Governor of Maryland.
And to the Honourable the Upper and Lower Houses of Assembly

The petition of Henry Bozworth a Languishing prisoner in Cecil County Goale

Humbly Sheweth

That your petitioner hath been Confined this Seven year in the Goale aforesaid for Debt, by which he is rendered unable not only to Satesfy his Creditors, But also to provide for the Support of him Self and Family and is really an Object of your Compassion

Your petitioner therefore Humbly prays you would Take his case into Consideration and pass such an Act for his Reliefe, as to your Honours in your great wisdom shall seem meet

And as in duty Bound he will Ever pray &^{c}

We the Subscribers Justices of Cecil County Court are Credibly Informed that the allegations in the above petition are true and Recommend him to your Honours Compassion

B. Moody
Nich.^{o} Hyland
Benj.^{n} Chew
Elihu Hall
And:^{w} Pearce.

Advertisement

This is to give Notice the Subscriber Henry Bozworth intends to apply to the next general Assembly of Maryland for Relief from a long and tedious Confinement in Cecil County Goal

Henry Bozworth

1.st March 1762

Cecil County in Maryland } to wit

These are to Certifie all whom it doth shall or may concern that the Original Writing whereof the above is a true Copy was affixed to the front Door of the Public Court House upon Elk River in Cecil County aforesaid this twenty Seventh Day of March in the Year of our Lord Christ One thousand seven hundred sixty and two

In testimony whereof I have hereunto set my Hand and affixed the Public Seal of Cecil County aforesaid the Day and Year last abovementioned

SEAL

Francis Key Clk of Cec.^{l} Co^{ty} afd

JOHN SMITH

To his Excellency Horatio Sharpe Esquire Governour of Maryland
And to the Honourable the Uper and Lower Houses of Assembly

The petition of John Smith a languishing prisoner in Cecil County goal Humbly Sheweth

MSS Archives of Md. Black Book No. 4 Letter No. 95 Hall of Records

That your Petitioner hath been a long time Confin'd in the Goal aforesaid for Debt, by which he is rendered unable not only to Satisfy his Creditors, But also to provide for the Support of himself and Family and is really an object of your Compassion

Your Petitioner therefore Humbly Prays you would take his Melancholy Case into Consideration and Pass such an Act for his Relief, as to your Honours in your great Wisdom shall seem meet and your Petitioner as in duty Bound will ever pray &c

John Smith

We the subscribers Justices of Cecil County Court are Credibly informed that the Allegations in the above petition are true and recommend him to your Honours Compassion

Elihu Hall
Nich.o Hyland
And:w Pearce
B Moody
Benj:a Chew
Geo: Catto

Advertisemt

Notice is hereby Given that I intend to apply to the next General Assembly (being Confin'd in Cecil County Goal) for Relief

John Smith

March 27.th 1762

Cæcil County
in } towit
Maryland

These are to Certifie all whom it doth shall or may concern that the Original Writing whereof the above is a true Copy was affixed to the front Door of the Public Court House upon Elk River in Cecil County aforesaid this twenty seventh Day of March in the Year of our Lord Christ One thousand seven hundred sixty and two

In testimony whereof I have hereunto set my Hand and affixed the Public Seal of Cecil County aforesaid the Day and Year last abovementioned

SEAL

Francis Key Clk of Cæcil Coty afd

THOMAS GAGE

To his Excellency Horatio Sharpe Esq.r Governor & Commander in Chief in and over the Province of Maryland and to the Honourable the upper & Lower Houses of Assembly of said Province now Sitting

The Petition of Thomas Gage a Poor Languishing Prisoner in the custody of the Sherif of Calvert County, Humbly Sheweth

MSS Archives of Md. Black Book No. 4 Letter 83 Hall of Records

That your Petitioner has for above Ten Months past been a prisoner in the Custody of Joshua Beall Gent. Sherif of said County under Execution at the suit of Sundry Persons for Diverse & Sundry Sums of Money & Tobacco far Exceeding all that he hath in the world to pay or Satisfie, which hath not been occasioned by any profuseness or extravagance of your Pet.r but by a long series of Ailments & he being well stricken in years hath rendered him unable to Labour as formerly he was wonted for the Support of himself wife & family. That your Petr has made all the overtures in his power to his Creditors in case they would set him at Large so that he might be endeavouring to earn Somewhat in time towards Satisfying them their Claims besides the Support of himself wife & Family, hath offered to Surrender up all he hath in the world, nay hath besides offered to enter into Servitude. (which altho some of his Creditors have been & are willing to assent to) yet the Greatest of them without whose assent it would not Avail him any thing still remain inexorable & refuse to Come into any Terms whatever without giving them Such Security as your Petr cannot by any means procure. Your Petr therefore most Humbly beseeches your Excellency & Hon.rs will take this his deplorable case into your consideration & give him such relief in the Premisses as in your Legislative Capacity shall seem Just & Reasonable and yr Poor Petr as in duty bound shall ever Pray &c

Thomas Gage

Calvert County sst By the Justices of sd County Court March 18th 1762 Sedente Curia namely present ss James Weems: David Arnold: Young Parran William Allnutt: John Beckett & Samuel Chew

Upon hearing the Petition of Thomas Gage a poor Languishing Prisoner in the Custody of the Sherif of said County requesting the recommendation of this Court to the next Genl Assembly of this Province in Order for his relief the said Court having maturely considered the facts in sd Petition set forth are of Opinion that the said Gage is an Object worthy of the notice of the said Hon.ble Assembly & of this their Opinion Order their Clk to make Certificate to the sd Hon.ble Houses under the Seale of sd County when thereto required by s.d Gage. In Testimony whereof the seale of the same County Court is hereto affixed the 3d day of April Anno Domini 1762

SEAL ꝑ W: Ireland Clk Cur predic

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